



Injuries on Private and Public Property

What You Need To Know

Over the years we have had increasing numbers of people contacting us asking if they can bring a claim because of injuries they sustained from accidents that occur on somebody's property. These include the following:

- Tripping on a broken sidewalk or curb
- Tripping over pothole or sinkhole in the street
- Falling from construction in a public street or on private property
- Slipping in a store, restaurant, office building, and a private home
- Falling because of poor lighting

Many people call because of injuries that do not involve falls:

- Boxes falling from shelves and causing injuries
- Assaults because of a lack of security
- Falling ceilings in apartments

What you need to know is that many of these claims do not result in legal liability where money can be recovered.

What is important to understand is that there are two very important parts to almost every case. First, you must show that your injuries were caused by the negligence or wrongdoing of another. It does not matter that you have a million dollar injury. If you can't prove that somebody else caused your injuries your out. Second, if and only if, you can show the injuries were caused by somebody else then you get to the second part, which is, how much is the case worth. You might be able to show that an accident was caused by the negligence of another but if you can show that you have an injury that was the direct result of somebody's negligence your out. The main issue in these cases revolves around something called **notice**. Lets look at two examples of what we are talking about:


1. Mr. Jones calls and says that he slipped at the Walmart Store and has a very badly broken ankle that needs surgery. He tells us that he slipped on some liquid. He does know what the liquid was and did not inquire about it as he was more concerned about his injury. He also tells us that he had just walked in the store by himself and did not see the liquid before the fall. Is this a case? **Probably not**. Mr. Jones will have a near impossible time making out his case if

he cant show that the store knew or should have known about the liquid on the floor. In fact the liquid on the floor could have spilled 5 minutes before the accident and you can't hold somebody responsible for that. Its unfortunate because Mr. Jones has a bad injury but as we have said you have to show both parts to prove a case.

2. Ms. Smith calls and tells us that she tripped over some construction materials that were left on a sidewalk near an ongoing building project. She had a pain in her neck that day but has not been to the hospital or doctor as she is feeling better. Is this a case? **I don't think so.** Yes there may be some responsibility on the part of the company doing the project but there is no injury. Remember you must prove both parts to have an injury claim.

Notice- This is the real issue in most injury claims that happen on somebody's property. There has been much law in this area but to make it simple: If an accident occurs because of a defective condition, such as, a broken sidewalk, slippery floor, pothole, garbage on a floor, you must show that the party you want to sue either knew or should have known about the condition. Another words you cant hold somebody responsible for a condition(which they did not create themselves)without showing that they knew about (or should have known about it) with enough time before your accident so that they could have fixed it. Simple, right? No not really. There are many questions that come up in these cases that make it very difficult for the lawyer who is not experienced in this area of law. Here only a few:

- 👤 How much time is considered enough notice?
 - 👤 What if the only person who saw the defect or problem before the accident was the victim?
 - 👤 Does the notice have to be in writing?
 - 👤 Are there some cases where you don't need notice?
- (Hint:Yes)

 Are there other ways of proving notice without a witness saying that they saw the defect or problem before the accident?

These can be answered by a qualified lawyer who concentrates in the area of personal injury and premises liability. If you or someone you know has been injured due to a fall or has been injured on somebody's property contact:

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