

## **Dangers Where a Property Owner Has Exclusive Control**

Consider the following scenario: an independent contractor named Tom worked repairing jewelry at a jewelry store in a mall. One day, while Tom was at the store, he slipped and fell on jewelry cleaning solution in the break room of the store; the solution had leaked onto the floor from its container or was poured onto the floor by a store employee.

The trial court threw out the case on a motion for summary judgment, deciding that there was no evidence that the store had knowledge or “notice” of the dangerous condition created by the spilled solution. Under California law on premises liability, property owners are only liable for a trip and fall or slip and fall accident if they had notice of the dangerous condition that caused the accident.

The California Court of Appeal disagreed with the trial court and overturned the decision. The Court explained that the store had exclusive control over the break room where the spill occurred and the bucket containing the cleaning solution. As a result, it was reasonable to infer that the store or its employees created the spill (the dangerous condition) and therefore had constructive notice of the condition. That means the store should have known about the condition. *Getchell v. Rogers Jewelry*.

Similar logic was utilized in a case involving a railroad conductor injured when he stepped from a moving freight train into an accumulation of debris in a narrow space between the train and a building. The building had exclusive control and management of the place where the accident occurred. The Court explained that it was reasonable to infer that the building created the dangerous condition.

Often, slip and fall or trip and fall accidents can result in serious injuries such as knee injuries (like meniscal and ACL tears) and arm, wrist and elbow fractures. So, it is no surprise when slip and fall accidents result in surgeries to repair those injuries. We at Heimanson & Wolf, LLP represent individuals in premises liability lawsuits.