Trip Injuries and Prevention Fatality File



New York City, owners of commercial and residential property are responsible to maintain the sidewalks that abut their property. Pedestrians who trip over a defect in a sidewalk can sue the owner of the abutting property for damages.

In a case involving this issue, a man hired a lawyer for a trip and fall accident he had. The man's accident occurred when he tripped and fell while he was walking down a sidewalk in Brooklyn. As a result, the man sustained serious injuries. He started a lawsuit against the owner of the abutting commercial property.

The Trip and Fall Accident Defect

During his deposition, the plaintiff (the injured man) testified that he was looking straight ahead before he fell. He tripped and fell over a portion of the sidewalk where a chunk of it was missing. This missing chunk was approximately eight inches by four inches. His left foot stepped on the depression and twisted outward, causing him to fall straight onto the concrete. The defendants testified that there were no routine inspections for defects. They performed inspections when they were notified of specific problems.

The plaintiff hired a professional sidewalk expert. The expert concluded that the defect had existed for at least six months before to the plaintiff's accident. He said that the defect should have been repaired prior to the date of the accident. This defect would have been found if periodic inspections had been done.

Was There Notice of the Trip and Fall Defect?

Under New York law, a plaintiff can prove notice of a defect in two ways. First, they can demonstrate that the defendant had actual notice, which means they had knowledge of the specific defect. Second, a plaintiff can demonstrate that the defendant had constructive notice.

In this case, the defendants failed to repair the sidewalk. It remained in a hazardous condition that was unsafe. This condition existed for at least six months, if not longer, and the defendants should have noticed it. It should have been repaired.

The jury awarded plaintiff $10,400,000, which consisted of $5,000,000 for future pain and suffering, $3,000,000 for past pain and suffering and $2,400,000 for medical expenses. Because he had a skilled attorney, he was able to secure a large verdict. If you are involved in a trip and fall accident, find a lawyer who can get you the compensation you deserve.