Throughout the year many of us will be traveling with family and friends on vacations from work and the everyday grind. Most of us will stay in hotels or rental homes while vacationing. While you should not get bogged down worrying about the possibility of getting into an accident or mishap while on vacation, it’s still worth noting that accidents do happen, and safety should always be a top priority.

In one recent case, a hotel guest slipped and fell on water surrounding an ice vending machine. The injured guest was later diagnosed as having a bulging disk at L5-S1 with facet joint hypertrophy and lumbar strain. This caused persistent low-back pain with radiculopathy. The pain caused the woman to develop an altered gait, which allegedly caused her to slip and fall down the stairs at her boyfriend’s home about two months later, further worsening her injuries. She underwent a series of 17 pain management injections and physical therapy treatment. She continues to suffer pain in her back, which is worse when she walks or stands for long periods of time.

Her injuries are significant, and further proof of this can be seen in the amount of her past medical expenses (about $137,700) and the estimated amount of what it will cost for her future medical treatment ($270,000). Additionally, she missed time from work, which resulted in about $10,000 in lost earnings. The case went to trial, and a vocational expert testified on behalf of the plaintiff that ongoing pain and limitations would likely force the plaintiff to take an early retirement from her job.

The woman sued the companies that owed the hotel. She alleged that the water surrounding the ice machine constituted a dangerous condition and that the hotel was negligent in failing to correct the hazard or warn her of its presence. A hospitality expert testified on behalf of the plaintiff that surfaces surrounding ice machines should be nonslip and that this was an industry standard. The expert testified that it was foreseeable that people would drop ice or that the machine would dispense ice that would melt and become a slipping hazard. Thus, the expert explained that the standard of care required nonslip flooring, carpeting, or pads around the machine.

The defendants, on the other hand, argued at trial that the plaintiff may have slipped because she was eight months pregnant at the time and had complained of dizziness. They also argued that the slip and fall at the hotel had not caused her subsequent fall. The defense further argued that the plaintiff’s pain was solely from the second fall, sickle-cell anemia, or a subsequent car accident. It was also argued that there was a 14 month period where the plaintiff stopped treating completely. Additionally, the defense challenged the credibility of the plaintiff by arguing that she failed to disclose the automobile accident in what are known as answers to interrogatories. (Interrogatories are written questions that one side sends to the other side when a case is in litigation, and the receiving party must answer them truthfully in writing). Finally, it was argued that the plaintiff had received a job promotion and was earning more money after the incident than she had been earning before the incident.

The jury allocated fault at 90% to the defendants and 10% to the plaintiff, awarding the plaintiff $1.16 million. The judgment totals about $1.04 million. The defense filed motions for a new trial or remittitur. (Remittitur is a request to have a damages verdict reduced). The trial court denied
those motions.