
**Hospitality Law Conference - The Expert's Perspective on Premises Liability Claims
Houston, Texas - February 10, 2015**

1. Introduction – Who are we?
 - Richard Baratta
 - Biomedical and Biomechanical engineer, with relevant expertise in injury mechanics and human motion. Case experience includes slips, trips, assaults, and other injuries, and understanding the mechanisms of injury and the human mechanics and motions leading to accidental events.
 - Christopher Grubbs
 - Civil engineer with relevant expertise in planning, designing and construction of residential and commercial developments. Case experience includes slips and trips, as well as design, maintenance and code issues relating to accidental events.

2. Where have we seen “Hospitality” claims that necessitated expert investigations?
 - Hotels
 - Restaurants
 - Casinos
 - Bars/Nightclubs
 - Grocery Stores
 - Retail Stores/Malls

3. Origins of Hospitality Claims
 - Parking Lots
 - Curbs
 - Wheel Stops
 - Drainage Grates
 - Drive aisles line up with entrances or buildings (or not)
 - Bollards
 - Incapacitated Drivers/Sudden Unintended Acceleration
 - Speed bumps/humps
 - Older parking lots (Old asphalt/Old sidewalk)
 - Lighting
 - Landscaping Areas
 - ADA Ramps/Parking stalls
 - Construction
 - Criminal Activity
 - Weather Related Incidents
 - Spills/Contaminants

 - Sidewalks/Access ways
 - Raised sidewalk
 - Depressions

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- Overgrown Bushes
 - Chipped concrete
 - Pavers
 - Utility Boxes
 - Removed Signs
 - Slip and Falls
 - Polished concrete
 - Wood Floors
 - Marble/Granite
 - Tile Floors
 - VCT Flooring
 - Bathing Facilities (Tubs/Showers) – Too Slippery/Grab Bars
 - Swimming Pool Decks
 - Painted surfaces
 - Stairs
 - Perceived Failure to warn
 - Floor Drains
 - Trip and Falls
 - Sidewalks/walkways
 - Steps
 - Carpet
 - Stairs
 - Bus Stops
 - Wheel Stops/Bumper Blocks
 - Thresholds
 - Floor Mats
 - Shopping Cart Corrals
 - Merchandise Stocking
 - Chair Failures
 - Door Failures
 - Exercise Equipment
4. Help us Help You
- Time – get us out there quickly (if possible)
 - There can be changes to the area that might make a late inspection difficult
 - Even changes such as a new cleaning contractor can cast doubt on a late inspection
 - If not possible, take “good” photographs AND measurements (CG to use Grocery Store Examples)...Document!
 - The more relevant information, the better
 - Expert desk review or inspection to understand issues before they escalate (get in front of the case) – helps you learn to “speak the same language” as

opposing party (why do they think there's a problem, and how do we address it)

5. What does the Plaintiff claim was wrong?
- Incident was “foreseeable” and therefore there should have been protective barriers in place (i.e. bollards). The drive aisle lined up with the store/ADA ramp...
 - For a few thousand dollars, Incident could have been avoided, therefore, you were not a responsible property owner
 - Other properties have barriers, therefore you should have had them to
 - There were no protective barriers in place to prevent a car from jumping a curb
 - Failure to affirmatively act and cure the dangerous condition
 - Failure to affirmatively act and warn Plaintiff of said dangerous condition
 - Failing to affirmatively act and inspect the pool and surrounding common areas for dangerous conditions
 - Failure to put proper warnings in place
 - Failure to notice and act immediately

Case Studies

- Chris Premises Liability Cases – highlight examples of effective use of expert early in case
 - Auto Parts Store – Jackson, MS – driver had seizure and drove up ADA ramp into store, striking a patron that was walking in the front door
 - Mall, Raleigh, NC – Driver had a sudden, unintended acceleration of vehicle and drove up and over a curb, injuring someone who was sitting at an outdoor seating area at a restaurant
 - Mall, Greeley, CO – driver had seizure and drove into a store, fatally injuring two women
 - Restaurant in Coeur d’Alene, ID – Teenager walking in a parking lot dives into a hedgerow of bushes and falls down a stairwell that was located on the other side of the bushes, causing a brain injury
 - Wheel stop trip and fall(s)
 - Outdoor restaurant area, Santa Ana CA – Patron busses her own table and then sits, when a leg of her chair goes into a planter, causing a fall and broken wrist
 - Pharmacy, Houston TX – patron is walking and falls – trip is claimed, but dynamics are those of a slip.
 - Electronics Store, Tampa FL – Patron entering store is struck by automatic door, claims injuries
 - Hotel, Las Vegas NV – Man coming out of the shower falls after shower door fails. Starts as injury consistency, then changes into foreseeability of door failure