

SOUTH CAROLINA Lawyers Weekly

\$925K settlement for slip-and-fall at body shop

By David Baugher

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A woman who slipped while making a delivery has negotiated a \$925,000 settlement with a body shop as compensation for her back injuries, her attorney reports.

Trip Riesen of Riesen DuRant said that his client fell on a “grease-like substance” evidently spilled by a customer and covered with a paper towel by the shop’s employees. She sustained annular tears necessitating physical therapy and lumbar injections as well as a discectomy and fusion.

The names of both the plaintiff and the defendant remain confidential under the terms of the settlement.

Riesen said that the plaintiff, who was in her 60s, was unable to return to work due to her injuries, and that the defendants

launched a comparative negligence argument that the hazard was open and obvious.

“Because the plaintiff had been in this store making deliveries previously, it was not uncommon for her to experience substances on the floor, especially slippery substances found in and around body shops,” Riesen said.

He also said that his client already had a previous workers’ compensation claim and a five-pound lifting restriction, both related to her lower back.

“We were able to successfully show through several doctor’s depositions that the plaintiff’s fall resulted in an aggravation of a pre-existing condition necessitating the need for surgery,” he said, and discogram testing and “severe radicular symptoms” established the extent of injury.



Trip Riesen

SETTLEMENT REPORT— Premises Liability



AMOUNT: \$925,000

INJURIES ALLEGED: Annular tears at L4-5 and L5-S1 resulting in anterior discectomy and fusion

CASE NAME: Confidential

VENUE: Confidential

ATTORNEYS FOR PLAINTIFF: Trip Riesen of Riesen DuRant in Mt. Pleasant

ATTORNEYS FOR DEFENDANTS: Confidential