

(QQ 33/4) PREMISES LIABILITY—MOM HOLDING BABY FALLS ON WET WAL-MART FLOOR (8)

Lori Capparelli, Anthony Capparelli, minor v Wal-Mart Stores Inc. 95L-15385 Tried Mar. 10-15, 1999

VERDICT: \$255,021: \$244,662 to Lori (\$9,662 medl.; \$75,000 pain & suffering; \$10,000 disability; \$150,000 disfigurement); \$10,359 to Anthony (\$3,359 medl.; \$4,000 pain & suffering; \$3,000 disability)

PLTF ATTY:

G. Grant Dixon III of Corboy & Demetrio for both pltf's **DEMAND:** \$215,000

DEFT ATTY:

David R. Creagh of Hinshaw & Culbertson (**SELF-INSURED**) **OFFER:** \$39,000

PLTF MEDL:

Dr. Mark E. Moran (Orthopedist) for both pltf's

JUDGE: James S. Quinlan, Jr. (Law Division)

FACTS: July 8, 1995, pltf F-33 was shopping at Wal-Mart Store at 71st and Cicero, Bedford Park, carrying her six-month-old son. As pltf rounded an aisle corner, she slipped and fell on a "milky white substance" that had been dropped by another customer minutes before, causing the baby to fall from her arms. Lori sustained a tibial plateau fracture and Grade 3 chondromalacia to patella of left knee, and the child suffered a fractured right femur. Pltf atty sought sanctions against Wal-Mart for failing to produce documentation on its spill clean-up procedures before trial, but motion was denied when Wal-Mart produced the materials mid-trial; he notes existence of several other cases in which Wal-Mart was sanctioned for failing to produce documents.