
HAPLESS HARVEST

NEGOTIATION

General Information

Jan Hapless was injured while shopping at Harvest Plenty, a health-oriented grocery store that is part a national chain. While walking down an aisle, Jan slipped on spilled carrot juice and then fell against the shelves and backwards, sustaining serious injuries. Jan sued Harvest Plenty for negligence, alleging it knew or should have known of juice spill and, whether or not the store was on notice, the aisle was unsafe due to poor lighting, distracting displays, excessive clutter, dirt, and over-packed shelves. Those conditions made it difficult for Jan to see the floor and may have caused the juice spill itself. Harvest Plenty denies any notice of the spill maintaining that it occurred moments before when a five-year old in a shopping cart knocked the juice bottle off the shelf. It claims the lighting was adequate and the juice on the floor was visible to anyone paying attention.

The complaint seeks \$1 million in medical and other expenses, lost income, damages for pain and suffering, loss of income earning capacity, and loss of quality of life and future enjoyment. Some discovery has taken place: Documents have been produced including insurance coverage and medical records. Jan and other witnesses from the aisle that day have been deposed.

Based on Jan's deposition and medical records, the "special damages" portion of the claim totals \$65,500, including: \$20,000 in lost wages; \$42,500 in medical costs; \$1,800 for future estimated physical therapy sessions; and \$1,200 paid for house-cleaning (when Jan was unable to do so).

Harvest Plenty's insurer retained local counsel at a reputable insurance defense firm. Jan is represented by a well-respected attorney in a firm specializing in plaintiffs' work.