

# VIRGINIA LAWYERS WEEKLY

Vol. 22, No. 14

September 10, 2007

www.valawyersweekly.com

## ‘Alligatored’ parking lot causes fall, shoulder injury

### \$230,170 Settlement

Plaintiff was going to his car to roll his windows up during a rain storm, tripped on a crack in the asphalt and fell heavily on his shoulder. He required a surgical repair and had a permanent injury to his shoulder. The plaintiff's theory of notice was based on the testimony of a



civil engineer who evaluated the parking lot and stated that the parking lot needed to be completely redone and replaced because of its age and the “alligator effect,” which is the cracking of the asphalt due to poor drainage that had taken place in several areas of the parking lot.

The plaintiff responded to the defense contention that he failed to keep a proper lookout with testimony that the parking lot would fill with water during rain storms make it difficult for pedestrians to see the cracks. The plaintiff further argued that the depositions taken of one of the repairman hired by the defendant indicated that the replacement of the parking lot had been discussed but that the defendant elected to continue doing repairs. [07-T-146]



**TRONFELD**

**Type of Accident:** Premises trip and fall

**Type of Injuries:** Shoulder injury

**Name of Case:** Confidential

**Court:** Richmond Circuit Court

**Special Damages:** \$62,895.06 in medicals; \$19,726.64 in wages

**Awarded/Settled:** Settled on Aug. 9, 2007 — Mediation with Retired Judge Robert L. Harris Sr. of the McCammon Group

**Highest Offer:** None

**Amount:** \$230,170

**Insurance Company:** Confidential

**Plaintiff's Attorney:** Jay Tronfeld, Richmond