

SLIP/TRIP & FALL

Do You Have a Case?

WHAT CAUSED YOU TO FALL?



THINK YOU HAVE A CASE?

PROPERTY OWNERS HAVE A LEGAL DUTY TO KEEP VISITORS SAFE. IF YOU THINK YOU HAVE A CASE, CONTACT ONE OF OUR GEORGIA SLIP AND FALL ATTORNEYS TODAY AT (706) 707-3217 OR FILL OUT A CASE REVIEW FORM AT BBGA.COM.

THERE'S NO FEE UNLESS WE WIN YOUR CASE. BBGA HAS OFFICES IN ATLANTA, ATHENS, AND LAKE OCONEE, AND WE HANDLE CASES ACROSS THE STATE OF GEORGIA.

OTHER IMPORTANT QUESTIONS

- **WAS AN INCIDENT REPORT FILLED OUT?**
- **IS THERE CAMERA OR VIDEO FOOTAGE OF THE ACCIDENT?**
- **WERE THERE ANY WITNESSES?**
- **DID YOU GET THE WITNESSES NAMES AND CONTACT INFORMATION?**
- **DID ANY EMPLOYEES SEE THE ACCIDENT?**
- **WHAT DID EMPLOYEES SAY TO YOU AFTER THE FALL?**

WAS IT IN PLAIN VIEW?

WHY DIDN'T YOU SEE IT?

WAS ANYTHING COVERING IT UP?

HAD YOU BEEN LOOKING FOR IT, COULD YOU HAVE SEEN IT?

IF THE FOREIGN OBJECT OR STATIC DEFECT WAS EASILY NOTICEABLE TO A REASONABLY CAREFUL PERSON, THE PLAIN VIEW DOCTRINE MAY APPLY, WHICH MEANS YOU DON'T HAVE A CASE.

EXCEPTIONS: EMERGENCY OR DISTRACTION

HAVE YOU WALKED THROUGH THAT AREA BEFORE?

If you have walked through the area before, the prior traverse rule may apply. The prior traverse rule means you have equal knowledge of the hazard and you likely don't have a case.

Two exceptions include:

- You had no knowledge of the specific hazard that caused you to fall
- The hazard was not readily observable to a reasonably careful person

DID YOU KNOW IT WAS THERE?

Under Georgia law, if you know about the foreign object or static defect and still fall and injure yourself, you generally do not have a case. Georgia law calls this “equal knowledge,” meaning your knowledge of the hazard is equal to the business or property owner’s.

One exception to this rule is if you were going in or out of your home or apartment.

WAS IT RAINING?

A foreign object can be spilled liquids, food dropped on the floor, a bunched-up or misplaced rug or floor mat, grease, or other items. If it was raining and you slipped and fell in a grocery store or other business, a motion for summary judgment may be granted. Rainy day slip and falls typically, not always, mean there's no case.

STATIC DEFECT

It sounds like a static defect made you fall. A static defect is any type of permanent or structural defect such as stairs, ramps, doorways, curb cuts, potholes, uneven or broken floors, sidewalks, walking paths, carpets, drain grates, or manholes. Without a defect, you don't have a case. You must be able to prove that whatever caused you to fall is unsafe. Some defects are obvious such as a pothole or broken sidewalk, but others may require you prove a safety code violation, like stairs that don't meet building code.

If you don't know what caused you to fall, there is likely no case. Under Georgia law, a judge will usually grant summary judgment and rule in favor of the defendant if there's no evidence of what caused you to fall. However, if there's other evidence of what caused you to fall, such as a witness or a security video, you may have a case.

We're personal injury attorneys. We help people and families who have been injured or killed through the negligence of another. Our team of skilled attorneys will fight for your rights, to hold the other party responsible and to secure full and fair compensation for your losses.

We have offices in Athens, Atlanta, and Lake Oconee, and handle cases throughout Georgia.