



Pltf claimed torn meniscus from slip in puddle at chain store

Type: Verdict-Defendant

Amount: \$0

State: California

Venue: San Bernardino County

Court: Superior Court of San Bernardino County, San Bernardino, CA

Injury Type(s):

- *back* - lower back
- *head* - headaches
- *knee* - medial meniscus, tear
- *elbow*
- *other* - physical therapy
- *shoulder*

Case Type:

- *Premises Liability* - Store; Slip and Fall; Dangerous Condition
- *Slips, Trips & Falls* - Slipping Condition

Case Name: Maria Lemus v. Costco Wholesale Corporation, No. VCV-VS-045204

Date: May 01, 2009

Plaintiff(s):

- Maria Lemus (Female, 49 Years)

Plaintiff Attorney(s):

- Anthony Crawford; Carpenter & Zuckerman, LLP; Beverly Hills CA for Maria Lemus

Plaintiff Expert(s):

- Brad P. Avrit P.E.; Safety; Marina del Rey, CA called by: , Anthony Crawford
- Karen Smith M.A.; Economics; San Marino, CA called by: , Anthony Crawford
- Arthur Kreitenberg M.D.; Orthopedics; Los Angeles, CA called by: , Anthony Crawford

- Defendant(s):**
- Costco Wholesale Corporation
- Defense Attorney(s):**
- Kevin L. Borgen; Gibbs & Fuerst LLP; Murrieta, CA for Costco Wholesale Corporation
 - Michael T. Gibbs; Gibbs & Fuerst LLP; Murrieta, CA for Costco Wholesale Corporation
- Defendant Expert(s):**
- Carl A. Beels; Safety; Escondido, CA called by: for Kevin L. Borgen, Michael T. Gibbs
 - Gary L Painter M.D.; Orthopedic Surgery; Loma Linda, CA called by: for Kevin L. Borgen, Michael T. Gibbs

Facts: On Aug. 6, 2005, plaintiff Maria Lemus, 49, reportedly slipped and fell in a puddle of water on the floor of a Costco in Victorville.

Lemus sued Costco Wholesale Corporation, alleging that its negligent maintenance caused the accident.

Lemus claimed that Costco's floor was unreasonably dangerous because it was not slip-resistant when wet.

Costco claimed that its floor was absolutely safe under the expected conditions, and that it exercised greater than ordinary care so the floor stayed safe.

Injury: Lemus was diagnosed with a torn medial meniscus in her left knee. She also alleged a head injury and pain in her shoulder, elbow and lower and middle back. She claimed headaches, too.

Lemus underwent physical therapy and used painkillers, a knee brace and a walker during her recovery. Lemus claimed that she would later need three knee replacement surgeries.

Lemus submitted \$5,340.80 in past medical bills. Her future medical costs were estimated at \$270,000.

She claimed \$27,259 in lost wages. Her future loss of earning capacity was estimated at \$64,279. (Lemus had worked packing products for about a month prior to the accident.)

Lemus asked the jury for between \$850,000 and \$950,000 in total.

Result: The jury found in favor of the defense.

Trial Information:

Judge: Gilbert Ochoa

Demand: \$350,000

Offer: None

Trial Length: 2 weeks

**Trial
Deliberations:** 2 hours

**Jury
Composition:** 6 male, 6 female

**Editor's
Comment:** This report is based on information that was provided by defense counsel. Plaintiff's counsel did not respond to the reporter's phone calls.

Writer Elizabeth Peterson