

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$175,000**

## PREMISES LIABILITY

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### SETTLEMENT—Woman falls down stairs, alleges hazardous condition

#### PREMISES LIABILITY

Slip/Trip & Fall : Stairs

#### No COURT/UNFILED SETTLEMENT

*Chancellor v. Gharmalkar*. Settlement date: 9/25/2006.

**SETTLEMENT RESULT: \$175,000**

#### COUNSEL

Plaintiff: **Scott J. Corwin, Law Offices of Scott J. Corwin, Los Angeles.**

Defendant: None.

#### FACTS/CONTENTIONS

According to plaintiff: On March 25, 2006, plaintiff Teresa Chancellor, a 46-year-old office manager, went to visit her son, defendant Anil Gharmalkar, in Nevada. Plaintiff went out to dinner with defendant. After dinner, at approximately 2:00 a.m., defendant told plaintiff to go back to his home as he needed to go to the store. He stated that he would meet plaintiff at his home later. Defendant instructed plaintiff to enter his home through the back door. Plaintiff arrived at defendant's home and went to the back door and knocked, but the nanny did not hear and did not answer the door. Plaintiff waited for about five minutes and then decided to leave. As she was descending a flight of about six wooden steps, she missed a step, lost her balance, and fell to the ground.

Plaintiff alleged that defendant's premises constituted a hazard due to lack of lighting on the rear porch and steps, lack of a handrail, the fact that the steps had not been built to code and had an uneven rise and run, and that defendant failed to warn plaintiff of these hazards.

Defendant disputed liability, claiming that the premises were not hazardous and that plaintiff was comparatively negligent and failed to use due care when descending the stairs.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained a right ankle pilon fracture, requiring approximately three months of physical therapy. Plaintiff made a good recovery; however, there was an allegation that plaintiff might develop arthritis in the future.

#### CLAIMED DAMAGES

According to plaintiff: \$7,654 past medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded \$250,000. Defendant initially offered \$75,000, increased to \$125,000.

#### EXPERTS

None.

#### COMMENTS

According to plaintiff: The insurance carrier was Foremost Insurance Group of Grand Rapids, MI.