



*Cade Bernsen*

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## **Breaking the Fall – Successful Premises Liability Verdict**

Simply falling down and getting hurt on someone's property doesn't always mean the property owner is liable. As with any personal injury case in the State of Texas, you have to prove that the property owner was negligent and that the owner's negligence caused the fall.

In this particular case, Plaintiff had to prove the home owner had actual knowledge of the dangerous condition. Additionally, Plaintiff's lack of knowledge of the dangerous condition had to be proven. Neither of which is particularly easy to accomplish.

Last week, Cade Bernsen and Myles Lenz successfully tried a case in Washington County, Texas where the jury awarded \$368,750 in damages to their client. In this case, their client was visiting friends and went with one of the home owners to the attic space which was being converted into a usable room. Unfortunately, while walking through the space, their client stepped onto a piece of wood flooring that was not secured and as a result fell from the attic space to the floor below. Plaintiff landed in such a way that she broke both of her ankles, with one ankle suffering a compound fracture which almost severed her foot.

Plaintiff argued that the Defendants knew that the dangerous condition existed, and failed to take steps to make the condition safe or to warn the Plaintiff, while defense counsel argued that they warned Plaintiff of the potential hazards thus releasing them from responsibility. After more than four days of testimony the jury deliberated well into the night finding in favor of the Plaintiff and awarding \$368,750 in damages.

Congratulations to Cade and Myles for their successful trial!

~ Bernsen Law Firm