

Missouri Lawyers

www.molawyersweekly.com

WEEKLY

■ \$250,000 SETTLEMENT

Hotel guest settles icy slip and fall suit

PERSONAL INJURY/SLIP AND FALL

■ **Venue:** Greene County Circuit Court

■ **Case Number:** 1331-CC01609/Date: Jan. 15, 2016

■ **Caption:** Fiorentino David Leone v. Shri Ambe, d//b/a Days Inn-Springfield

■ **Plaintiff's Attorney:** Gary Burger, The Burger Law Firm, St. Louis

■ **Defendant's Attorney:** Stephen Snead, Baty, Holm, Numrich & Otto, Springfield

■ **Injuries Alleged:** back, spine, shoulder, arm, elbow, wrist, hand, hip, pelvis, leg, knee, ankle, foot

■ **Injuries Detail:** right side, right shoulder, right knee, hip, neck and back

■ **First Pretrial Demand:** \$575,000

■ **First Pretrial Offer:** \$75,000

BY ALAN SCHER ZAGIER

Special to Missouri Lawyers Media

A 52-year-old Blue Springs man who slipped and fell on a patch of black ice outside a Springfield motel has settled a premises liability claim against the owner for \$250,000.

Fiorentino David Leone injured his right side and shoulder, hip and back after the parking lot fall at the Days Inn-Springfield on Jan. 14, 2013, said St. Louis plaintiff's attorney Gary Burger.

Leone sued the hotel and owner Shri Ambe in Greene County Circuit



“This was not a natural accumulation of ice... The ice from the roof of that area melted and dripped, forming a new patch on the ground.”

Gary Burger, plaintiff's attorney

Court in December 2013. The challenge, said Burger, was to establish liability without any witnesses to the fall. The defense also questioned why Leone — who didn't have health insurance at the time because of a recent job change — didn't seek immediate care but instead waited four days before seeing a doctor and more than a year before undergoing surgery, Burger said. The hotel owner's attorney, Stephen Snead, did not respond to several interview requests.

Leone was eventually diagnosed with a torn rotator cuff in his right shoulder and a torn medial meniscus in his right knee. He had shoulder surgery one year after the fall and knee surgery about a year-and-a-half later, Burger said. A third surgery — a total hip replacement three years after the fall and shortly before the dispute entered mediation — was also attributed by Burger's client to injuries from the 2013 accident.

Leone was diagnosed with acetabular dysplasia in his hip and a partial tear of a buttocks muscle.

The ice patch on which Leone slipped was formed by pooling water from a roof with no gutters, according to Burger.

“The owner eventually said he knew an ice patch could develop there and had seen it in the past,” Burger said. “This was not a natural accumulation of ice... The ice from the roof of that area melted and dripped, forming a new patch on the ground.”

Photos from the hotel at the time showed a bowl placed on the ground to collect leaking water, Burger added.

Leone submitted nearly \$100,000 in billed medical expenses, with the claim settled in January of this year and the court dismissing the suit in April after resolving a motion to adjudicate liens. **MO**