



Case Study: Personal Injury

Barbara Sullivan v. Cascade Cleaners

Barbara Sullivan went to the Cascade Cleaners on September 24, 2001, to pick up her dry cleaning. She drove up to the drive through door, parked her car and walked into the cleaners.

As she exited the cleaners with her hands full of dry cleaning, she stepped out the doorway onto the edge of the step and fell fracturing her ankle. The employee who helped her up told her that other customers had tripped over that step.

I determined that the step violated the applicable building code. The code required the step to be 44 inches wide because it was in front of a doorway. The step in question was only 21 inches wide. The reason the code requires such a wide step or “landing” is so that when someone opens a door and takes a step their foot lands on the step rather than the edge of the step.

Although I pointed out the code violation to St. Paul Insurance, the insurance company for Cascade Cleaners, they denied liability and refused to make a settlement offer. I filed a lawsuit and subpoenaed the architect who designed the building to a deposition. (A deposition is a proceeding where attorneys can question witnesses under oath and the questions and answers are recorded.)

At the architect’s deposition, I reviewed his file and discovered that he had designed the landing step in question to be wider than 21 inches. I asked him if he knew that the landing step had been built only 21 inches wide. He responded that he did know that because he had just inspected the landing step. I asked him if he was surprised that the step had been constructed narrower than he had designed it. He was. He also testified that the 21 inch wide landing step violated the building code.

The case settled for a reasonable amount shortly after the architect’s deposition.

For more information about personal injury cases, please call Gary R. Johnson at Hurley Re, P.C. (541) 317-5505 or email: grjohnson@hurley-re.com