

HENDERSON LAW SECURES TRIAL VICTORY AGAINST WEGMANS FOOD MARKETS, INC.

Patrick D. Gardiner, Esquire of Henderson Law, LLC recently secured a jury verdict against Wegmans Food Markets, Inc. (“Wegmans”) for a client injured by the negligence of Wegmans at its grocery store located at 1413 S. Main Chapel Way, Gambrills, Anne Arundel County, Maryland 21054. At trial, Mr. Gardiner successfully argued that Wegmans failed to protect our client from the negligent operator of a motorized cart thereby causing serious personal injuries to our client. The verdict was 20x the last written settlement offer from Wegmans. If you have been injured on the premises of another, you may have a claim against the owner or operator of the property.

In Maryland, a claim arising from an injury at a company’s store can be very difficult to prove. This is because Maryland law provides that a store owner is not an insurer of its customers' safety. In particular, there is no presumption of negligence merely because an injury was sustained at a store owner’s property. A customer on the property for a purpose related to the store owner’s business is owed a duty of ordinary care to keep the property safe, and the store owner may be held liable for injuries sustained by them in consequence of its failure to do so. Maryland law provides that a store owner has a duty to maintain the premises in such condition that customers will not be subjected to risk arising from the physical state of the property except such as are naturally incident to the nature of the business.

A store's customer is entitled to assume that the store owner will exercise reasonable care to ascertain the condition of the premises. In order for a customer to prove his or her case against the store owner, the evidence must show not only that a dangerous condition existed, but also that the store owner had actual or constructive knowledge of it, and that knowledge was gained in sufficient time to give the store owner the opportunity to remove it or to warn the customer. What amounts to sufficient time for a store owner to discover, cure, or clean up a dangerous condition varies based on the circumstances of the particular case, and involves consideration of the nature of the danger; the number of persons likely to be affected by it; the diligence required to discover or prevent it; opportunities and means of knowledge; the foresight which a person of ordinary care and prudence would be expected to exercise under the circumstances; and the foreseeable consequences of the conditions.

A store owner’s duty to use ordinary care to protect business invitees applies not only against dangers which may arise from some defect or unsafe condition of the property, but also against dangers that may be caused by negligent acts of the store’s employees, or even customers, where, as a reasonably prudent person, the store owner should have anticipated the possible occurrence and the probable results of those acts. When another customer creates the danger, the store owner may be liable if it has actual notice and sufficient opportunity to either correct the problem or warn its other customers about it; the evidence must show not only that a dangerous condition existed, but also that the proprietor had actual or constructive knowledge of it, and that that knowledge was gained in sufficient time to give the owner the opportunity to remove it or to warn the injured customer. A store owner also has a legal duty to come to the assistance of an endangered customer if there is no risk of harm to the store owner or its employees. Moreover, an employee of a store has a legal duty to take affirmative action for the aid or protection of a

customer who is in danger while on the store's property, provided that the employee has knowledge of the injured customer, and the employee is not in the path of danger.

If you have been injured while shopping or while on the property of another, you may have a claim against the owner or operator of that property and be entitled to monetary compensation. Please feel free to contact Henderson Law, LLC today for an initial consultation.