



*"Risk Taking Evolved"*

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## **NEWS RELEASE:**

**IIC Announces Another Court Victory for an Insured**

### ***Plaintiff "Twists & Shouts" at New Year's Eve Event, but Jury Finds in Favor of the Defendant Tavern***

**Sparks, MD:** Indemnity Insurance Corporation (IIC) reports that on February 7, 2011, a Supreme Court of New York / West Chester County jury overwhelmingly found in favor of the Defendant - The Thirsty Turtle of White Plains, NY - an IIC insured tavern in a three-year-old slip and fall complaint. The law firm of Havkins, Rosenfeld, Ritzert & Varriale, LLP, representing the tavern, reported that the jury's verdict found no liability on the part of the tavern and that there were no noticeable appealable issues for the Plaintiff.

In the suit, the 27-year-old female Plaintiff alleged that she sustained a fractured left ankle inside the tavern when she allegedly slipped in a puddle or wet spot on the tavern floor. The Plaintiff was seeking \$90,000 in damages. Indemnity Insurance Corporation, the tavern's liability insurance carrier, felt confident that the insured was not at fault, and did not make a counter offer.

Here are some excerpts from the complaint:

- The Plaintiff alleged that she sustained an ankle injury when she fell while on the dance floor at the insured tavern early in the morning of 1/1/2008 while ringing in the new year.
- The Plaintiff testified that approximately 2:30 am she slipped in a puddle of liquid on the floor, was helped outside, and an ambulance responded. However, there was conflicting testimony as to whether the Plaintiff stated she was pushed and whether there was actually a puddle.
- None of the 20+ employees working that evening had any recollection of anyone complaining of slipping and falling.

IIC's Claims Department worked closely with the tavern and the defense attorney representing the insured to investigate and dismantle the charge. Scott Wessing, IIC's Director of Claims, states that "the Plaintiff could not establish that the tavern had created or knew of a hazardous condition. Thus, the jury had no other option than to return its verdict in favor of the defense."

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### **Indemnity Insurance Corporation's Position on Fighting Frivolous Claims**

In a survey commissioned by IIC, brokers participating in this study unanimously stated they believed that IIC's position on fighting questionable claims was "important / very important" in the eyes of their insured clients. Furthermore, brokers stated that IIC's efforts to protect the integrity of their clients' claims histories by aggressively challenging suits set that standard for other carriers to follow.

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