

Costco Slip-and-Fall Lawsuit Shows How Court Jurisdiction Works, Says New York Slip and Fall Lawyer

A 74-year-old resident of New York allegedly injured after falling in a Costco store in Florida, defeated the retailer's effort to move the case to Florida.

New York, New York - A 74-year-old woman filed a lawsuit against Costco claiming she was injured after slipping and falling in a store in North Miami, Florida on Jan. 24, 2009. Theresa Danza alleged she was hospitalized for spinal and shoulder injuries after she "slipped on a slurpee that was all over the floor" and "went flying...up in the air."

What made this case unusual is that the slip and fall lawsuit was not filed in Florida. Instead, it was filed in New York where Danza lives.

"As long as the rules are followed, a plaintiff can choose the court most convenient to him or her," said [New York slip-and-fall lawyer](#) David Perecman, founder of The Perecman Firm, [one of New York's slip and fall law firms](#). "Plaintiffs have a right to file the slip-and-fall lawsuit anywhere that a court is legally allowed to hear it."

Costco responded to the slip and fall lawsuit in New York by arguing in favor of moving the lawsuit to Florida, the state in which the slip-and-fall occurred. Costco claimed that it would be prejudiced and incur high costs locating and interviewing witnesses if the case stayed in New York.

New York State Supreme Court Justice Arthur Schack denied the company's motion to move the suit to Florida.

Schack determined it would be much easier for Costco, a multi-billion dollar company, to transport its witnesses to New York than it would be for Danza to transport her witnesses down south.

Additionally, Schack quoted the woman's claim in court papers that she does "not intend to be traveling to Florida in winter anymore as traveling is too painful and stressful for [her]" because of her injuries.

The [slip and fall injury](#) case will be tried in New York despite the company's motion to move the suit to Florida.

The justice wrote that the decision was made after "balancing the interests of plaintiff Danza against financial 'goliath' defendant Costco " and concluding, "it would not be in the interest of substantial justice to try this action in Florida instead of New York," reported Reuters.

“For a person of advanced age, suffering injury from a fall can seriously affect his or her independence and impact the quality of life they may have,” said Perecman, a [slip and fall lawyer in New York](#) with over 30 years of experience in slip and fall cases.

Many slip and fall cases result in serious injuries that can last a lifetime. Fractured bones, lacerations, spinal cord injuries, head injuries and many other severe injuries can result from a seemingly routine slip and fall accident.

“The New York State Supreme Court appears to have been very fair in its consideration and handling of this slip and fall lawsuit,” [New York slip and fall lawyer](#) Perecman said.

Both Florida and New York technically have jurisdiction over the Costco slurpee lawsuit. Florida can claim jurisdiction as the events occurred in-state. New York has jurisdiction because Costco does business in New York.

When such a situation arises and the parties disagree as to venue, the court needs to balance the arguments of both sides and determine which forum would be more just.

Unless the company appeals, the “Costco slurpee lawsuit” slip and fall action will remain in New York, even though the slip and fall accident occurred in Florida.

A retail store has a duty to keep the property free from spills and other dangerous conditions that can result in injuries to individuals. When slip and fall accidents with injuries occur, especially ones that result in lasting pain, significant medical bills and/or inability to work for an extended length of time, [slip and fall accident victims](#) are sometimes able to pursue personal injury lawsuits, like this one, against the retailers to recover damages.

As many [slip and fall lawyers in New York](#) understand, in a slip and fall case, the plaintiff must establish that there was a slippery surface or substance on the floor which caused him/her to slip; that he/she was injured as a result; and that the business owner or operator either caused the spill or dangerous condition, had actual knowledge of it or should have known of its existence and cleaned it up because the substance had been on the floor for so long.

Premises liability claims can be difficult, however. When a person has been hurt on another person’s property, it can be unclear who is responsible for the injuries. After a slip and fall accident, an injured individual needs a lawyer with the knowledge and experience to win. [New York slip and fall lawyers](#) at The Perecman Firm have years of experience in proving fault, documenting injury and determining a value for the personal injuries incurred in a slip and fall accident.

About David Perecman and The Perecman Firm, PLLC:

For the past 30 years, the New York slip and fall lawyers, medical malpractice, auto accident, and construction accident lawyers at The Perecman Firm, PLLC have handled

all types of slip and fall accident cases. David Perecman, founder of the Firm, is a Board Director and the past Secretary and Treasurer of the New York State Trial Lawyers Association (NYSTLA) and a chair of its Labor Law Committee. Mr. Perecman's achievements have brought him recognition as an Honoree in the National Law Journal's Hall of Fame, in New York Magazine's "The Best Lawyers in America" and The New York Times Magazine "New York Super Lawyers, Metro Edition" for the years 2007-2010.

The Firm has recovered millions of dollars for its clients. Among the more recent victories, Mr. Perecman won a \$15 million verdict** for a construction accident, a \$5.35 million dollar verdict*** for an automobile accident, and a \$40 million dollar structured settlement for medical malpractice****.

**later settled while on appeal for \$7.940 million

*** later settled for \$3.5 million

**** total potential payout

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