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Massachusetts Snow and Ice Accident Appeal Results in New Trial *Judge Grants New Trial Following Landmark Court Ruling in 2010*

A plaintiff in a Massachusetts [snow and ice fall](#) case has won the opportunity to appeal, the result of the landmark 2010 snow and ice ruling which dramatically changed the long-standing state law.

In *Lindor v. McDonald's Restaurants of Massachusetts, Inc.*, the Massachusetts Appeals Court vacated the original judgment and remanded the case for further proceedings after finding that the judge erred in allowing the defendant's motion for summary judgment.

The [snow and ice case](#) involved a female plaintiff who filed suit after she slipped on an icy sidewalk outside one of the chain's restaurants in 2007.

Prior to trial, McDonald's moved for a summary judgment, arguing that the ice outside the restaurant had accumulated naturally, and that the restaurant was not liable for the [accident](#) under existing Massachusetts law.

No opposition was filed by the plaintiff and the judge allowed the defendant's motion, issuing the order on July 22, 2010. Judgment was entered on the docket on July 28, 2010.

But state law drastically changed during those few days. On July 26, 2010, the Massachusetts Supreme Judicial Court decided the case of [Papadopoulos v. Target Corp.](#), in which it established a new standard for determining liability in cases of injury arising from [ice and snow accidents](#). The ruling changed the law by mandating that property owners take "reasonable care" to remove all accumulations of ice and snow. This new standard does not require any distinction between "natural" and "unnatural" accumulations.

The Court also held that the ruling was retroactive, meaning it will be applied to all open and pending claims in which a judgment had not yet been entered. Although the judge issued an order for summary judgment prior to the *Papadopoulos* ruling, in Massachusetts a judgment is only considered final when a clerk docket it. This happened on July 28, two days after the ruling in *Papadopoulos*. For this reason, the "reasonable care" standard established in *Papadopoulos* will apply to Lindor's case.



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The Court decided that there was a genuine issue of fact as to whether McDonald's took "reasonable care" in protecting lawful visitors to the property, and as a result, the judgment was vacated, enabling Ms. Lindor to pursue her [snow and ice fall](#) claim.

The case decided was *Lindor v. McDonald's Restaurants of Massachusetts, Inc.*, Mass. App. Ct No. 10-P-1615 (November 10, 2011).