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## Trip and Fall in a Busy Costco Store > The 347,496th Customer was Unlucky

Big box retailer Costco recently was ordered to pay damages to a 53 year old retired woman who tripped and fell in January, 2003 while entering the Costco store with her husband. She tripped over metal floor grates designed to allow dirt and debris from customer footwear to fall below floor level, keeping the area clear for the next customers passing through. You can also see our blog – [www.bcbarristers.com/en-US/blog.aspx](http://www.bcbarristers.com/en-US/blog.aspx)

Liability was seriously in dispute. This busy London, Ontario Costco store had used this metal floor grate system for approximately 18 years without a problem – according to their records. Specifically, Costco estimated that approximately 347,495 customers had travelled over these same metal floor grates in the five months prior to this trip and fall, without incident.

Unfortunately for Costco, though they assigned an insurance adjuster to inspect the metal grate system shortly after the trip and fall, they renovated their store sometime after 2003 and in that process removed the metal floor grates entirely, replacing it with rubberized matting. For some reason, they disposed of the metal floor grates without allowing the plaintiffs to inspect same and those grates were unavailable as evidence at the Trial.

Further, in January 2003 at the time of the fall, Costco had a detailed inspection system in place for the entire store, including these entrance metal grates – they were supposed to be inspected hourly. On the day in question, Costco missed inspecting the metal grates for approximately 2 hours and 45 minutes before the fall, in contravention to their policy of checking once per hour. Liability was therefore found against Costco.

The decision is **Goody v. Costco Wholesale Corporation Limited** (2009 Ontario Superior Court of Justice).

On the issue of damages, this 53 year old female plaintiff had extensive knee problems before the fall. She banged her knees in this accident and it was accepted that she had an increase in pain and worsening of her condition as a result.

There was also an issue as to past and future income loss claimed as damages, given that the plaintiff had recently retired prior to the fall (she was a property assessor). The Court accepted the plaintiff's evidence that her intention, before the accident, was to continue working in other fields to earn an income and continue supporting her family.

Gregory Chang  
Toronto Insurance Litigation Lawyer  
Bougadis, Chang LLP  
[www.bcbarristers.com](http://www.bcbarristers.com)