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PRACTICE AREAS

Workers Compensation

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Illinois court holds store not liable for slip and fall caused by floor mat

5-24-2010

The United States District Court for the Central District of Illinois addressed the issue of a store owner's liability for a shopper's slip and fall allegedly caused by a loose floor mat in *Gentry v. Shop'n Save Warehouse Foods, Inc.*, — F.Supp.2d —, 2010 WL 1433410 (April 7, 2010).

In *Gentry*, the injured plaintiff was an 84 year old women who slipped and fell after her toe got caught on the corner of a floor mat located in the defendant's store. She and her husband brought a [personal injury lawsuit](#) alleging that the store was liable for her injuries. The store moved for summary judgment on the grounds that, in part, it had no notice of the dangerous condition.

The Court first addressed the [premises liability claim](#), to the extent that it had been alleged in the Complaint, and concluded that the defendant's motion for summary judgment in regard to that claim should be granted since the plaintiff failed to establish notice of the alleged dangerous condition:

This is the general standard for premises liability. The landowner must know of the condition or would have discovered the condition through the exercise of reasonable care.

The Plaintiffs have presented no evidence that the Defendant has received complaints about the floor mat or its location. Mrs. Gentry did not look at the mat as she entered the store. The Plaintiffs have not presented any testimony from any person that the floor mat was flipped or curled before Mrs. Gentry's fall. The



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Plaintiffs have offered no evidence that the mat had any defects, that someone had tripped on the mat before, or that the mat had previously become buckled due to wetness or heavy foot traffic.

Regarding the negligence claim, the court also concluded that the plaintiffs failed to meet its burden of proof:

The Plaintiffs can avoid the notice requirement only if they can establish that the mats were negligently placed on the floors by the agents of the Defendant, not merely by showing that they were placed by the agents of the Defendant...

Therefore, the remaining question is whether the Defendant used ordinary mats in a reasonable fashion. When the use of mats is not reasonable, a grocery store may be held liable for negligent acts and omissions related to installing and maintaining floor mats.

In this case, there is no evidence that the floor mat was defective or in poor repair. It was reasonable to use floor mats on a December day that Mrs. Gentry described as "sleety and snowy and icy and rainy." Dep. of Alice Gentry, 14 [d/e 30-1]. Therefore, the Defendant's conduct was reasonable under Robinson.

Finally, the court concluded that the plaintiffs failed to show that the defendant's breached a duty and that the breach caused the injured plaintiff's injury:

The Plaintiffs have generically alleged that the mats were negligently placed and maintained. However, they have not elaborated on this conclusory allegation. There is insufficient evidence that a duty was breached...

The Plaintiffs (also) lack evidence of the cause-in-fact of the fall. Mrs. Gentry was not watching where she was stepping, and does not know if she tripped over a ripple in the mat or if the mat was perfectly flat when she fell. As the Defendant has pointed out, the bulge could have been caused by her fall.

Accordingly, the court granted the defendant's motion for summary judgment and dismissed the Complaint—an unfortunate result for



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the injured plaintiff and her husband.

Howard Ankin of Ankin Law Office LLC (www.ankinlaw.com) specializes in **workers' compensation** and **personal injury law**. Mr. Ankin can be reached at (312) 346-8780 and howard@ankinlaw.com.