

# Food, Beverage & Hospitality



Food and beverage producers, hotels, restaurants and grocers are among Weber Gallagher's clients in this industry. We appear before state and federal courts and in administrative proceedings on their behalf. They engage us for workers' compensation and employment matters, including Medicare set-asides and discrimination claims. Our attorneys also represent them in dram shop actions and other general liability matters, including bodily injury and property damage. Other areas in which we provide counsel include:

- Licensing
- Business/Organization creation
- Commercial transactions
- Environmental issues and toxic torts
- Product liability
- Food poisoning matters
- Risk management

## Experience

- Secured summary judgment on behalf of a large east coast convenience store chain, on the issue of lack of notice of black ice in a parking lot. The plaintiff claimed she fell on black ice in a parking lot and sustained severe spinal injuries, requiring surgery. The Court agreed with the defendant that there was no evidence that it had notice of the black ice and granted summary judgment and dismissed the case.
- Secured summary judgment for a leading American restaurant chain in a slip and fall lawsuit before the Superior Court of New Jersey, Bergen County. The plaintiff allegedly slipped and fell in a walk-in freezer while in the course of her employment and sustained a significant leg fracture requiring surgical repair with the installation of hardware. We persuaded the Court that the high threshold for an "intentional wrong" under the Worker's Compensation Act was not met and that the circumstances of this accident were part of industrial life and not beyond anything the Legislature could have contemplated that would have entitled the employee to recover beyond what is provided under the Worker's Compensation Act, resulting in a significant win for the client.
- Obtained summary judgment for an American national department store retailer in a lawsuit involving a significant foot injury requiring surgical intervention when the plaintiff was shopping at a retail establishment and dropped a glass object that shattered on her foot, alleging that the glass object was unsafe and that it broke in her hand as she grabbed it off the shelf. We filed for Summary Judgment on the basis that the plaintiff could not make a prima facie case that her injuries were the result of any negligent act or omission by the defendant retail establishment. The Court agreed that there was no showing of negligence and granted our Summary Judgment motion.
- Secured summary judgement for a shopping mall pursuant to New York's storm in progress doctrine.
- Won summary judgment on behalf of a multinational chain of convenience stores dismissing a high exposure premises liability case in Kings County, NY, by establishing that the alleged defect, a decommissioned fuel cap, was de minimus, trivial and therefore, not actionable.
- Obtained a verdict where plaintiff was involved in an altercation inside a hotel and sustained significant injuries including 3 separate leg and ankle fractures which required surgical intervention in the form of an ORIF of his leg and ankle. Following the surgery, plaintiff developed a hole in his leg due to his underlying diabetes. The last demand made before starting opening statements was \$1.2 million. The case was tried to verdict and the jury found in favor of the plaintiff. However, our client, the hotel, was only found liable for 35% of the damage. The total verdict and our clients liability was more than \$1 million less than the initial demand.
- Defended a premises liability case after a five-day jury trial where the plaintiff alleged that she slipped

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and fell in unidentified liquid on a tile floor. The cause of the fall was initially identified as the plaintiff tripping on the carpeted area for an unknown reason as there were no defects in the area. The plaintiff sustained a closed head injury and a displaced, comminuted distal humerus fracture for which she underwent open reduction with internal fixation. The medical records confirmed that the plaintiff reported tripping on the carpet. Despite the witness accounts that the plaintiff tripped over her own feet, she continued to prosecute the case claiming she fell on liquid. After the trial, where the defense focused on the inconsistent stories of what caused the plaintiff to fall, the jury found that there was no water on the floor where the plaintiff alleged she fell, and that the client was not negligent in causing the plaintiff's fall (6-0). The plaintiff's initial settlement demand was \$500,000.

- Successfully defended a premises liability case through appeal and assisted during trial on a case where the plaintiff alleged that she slipped and fell in unidentified liquid on a tile floor. The cause of the fall was initially identified as the plaintiff tripping on the carpeted area for an unknown reason as there were no defects in the area. The plaintiff sustained a closed head injury and a displaced, comminuted distal humerus fracture for which she underwent open reduction with internal fixation. The medical records confirmed that the plaintiff reported tripping on the carpet. Despite the witness accounts that the plaintiff tripped over her own feet, she continued to prosecute the case claiming she fell on liquid. Although motion practice was successful, the plaintiff was able to secure a favorable decision on appeal and the case proceeded to trial. At trial, the defense led by trial attorney [Kenneth Sharperson, Esq.](#), focused on the inconsistent stories of what caused the plaintiff to fall. The jury found that there was no water on the floor where the plaintiff alleged she fell and that the client was not negligent in causing the plaintiff's fall (6-0). The plaintiff's initial settlement demand was \$500,000.
- Successfully defended premises clients, such as casinos, stadiums, bars, shopping centers, restaurants, hotels and lodging establishments and other members of the hospitality industry in countless cases involving alleged personal injuries