

Tampa Attorneys Obtain Complete Defense Verdict in Premises Liability Case

Michael Ruel and Nicole Fluet obtained a complete defense verdict in premises liability case following a seven day jury trial. Our client was a subcontractor that constructed the foundation and shell of a three story naval library addition to a high-end residential home in Palm Beach County, Florida. Plaintiff was the wood flooring subcontractor hired by the general contractor. After completion of the shell, our client left its extension ladder onsite because it was returning to the project to complete various carpentry work once the wood flooring was installed. Plaintiff used our ladder to access the second floor but removed the 2x4 wooden cleat our client installed at the base of the ladder. Plaintiff epoxied the first floor making it slick and the ladder slipped out resulting in his fall. Plaintiff was rendered unconscious and sustained numerous orthopedic injuries to his shoulder, ribs, wrists and foot.

Plaintiff continuously demanded upwards of \$1 million throughout litigation prior to trial. During trial, Plaintiff's attorneys blamed the general contractor for not having a safe work site and our client for allowing their ladder to be used by others unsafely. Plaintiff's excuse: He was not familiar with or have adequate knowledge on how to use our client's ladder properly despite being told to use the cleat we installed and stop removing it. Plaintiff's second excuse for why he could not use the cleat: It would damage and comprise the epoxy coating he applied that made the floor slick!

The defense was able to obtain testimony from Plaintiff's liability expert, a general contractor, admitting that Plaintiff was using the ladder unsafely and that ignorance of how to do so safely was no excuse. Based on this testimony, the defense did not call any expert witness. Just before closing arguments, the jury was instructed that they may draw an adverse inference against our client because the subject ladder was stolen off another jobsite five years later. The jury deliberated less than 45 minutes and returned a complete defense verdict finding no fault on our client or the general contractor.

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