



SARASOTA

LITIGATOR

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Injuries Result from Unsecured, Damaged Parking Lot Gate

In July 2002, Raymond Landry was at the Marco Island Marriott Resort in Marco Island, Fla. On his way to retrieve his car from the resort's self-parking lot, Mr. Landry walked through the valet parking lot and encountered a fence with a locked gate separating the two lots. After trying unsuccessfully to find another way into the self-parking lot, Mr. Landry climbed the gate. The top of the gate collapsed,

Mr. Landry fell and sustained a broken right wrist. The complex nature of his orthopedic injuries required the use of an external fixator device to immobilize Mr. Landry's arm and shoulder. He also underwent physical therapy.

Landry was unable to work during the three months when the fixator device was in place because he couldn't drive. He was also on pain medication during that time, making it that much more difficult to drive.

Landry has scarring and permanent swelling of the underside of his right wrist, chronic wrist pain and limited range of motion and strength. He also has chronic shoulder pain. An orthopedic surgery expert opined that he might need future surgery to remove cartilage in the wrist and future physical therapy.

Our firm sought damages for Mr. Landry's past medical expenses; past and future wage loss; and past and future pain and suffering.

At trial, our firm was able to demonstrate that the unsecured, damaged gate created an unsafe condition and secure an award of \$49,169. The jury, however, apportioned liability 50 percent to the defendants and 50 percent to Mr. Landry.