



Delay in notice by slip-and-fall plaintiff dooms case

Defense judgment

By: Mass. Lawyers Weekly Staff ☉ May 30, 2019

The plaintiff alleged a hand injury as the result of a slip and fall on snow and ice on the defendants' property. The defendants moved for summary judgment based on the plaintiff's failure to provide timely written notice of the fall pursuant to G.L.c. 84, §21.

As a result of the plaintiff's failure to provide written notice within 30 days, the defendants were prejudiced by delay. The defense provided affidavits from the insurer and the defendants stating that, as a result, they were unable to investigate the plaintiff's claim, reconstruct the facts that occurred on the day at issue, determine witnesses, and otherwise defend themselves against the plaintiff's claims.

The judge found that, as a result of the six-month delay in notice, the defendants were indeed prejudiced and entitled to judgment as a matter of law.

Action: Slip, trip and fall

Injuries alleged: Injury to left hand

Case name: Preston v. Greaney, et al.

Court/case no.: Hampden Superior Court/No. 1879CV000295

Jury and/or judge: Judge Francis E. Flannery

Amount: \$0 (defense judgment)

Date: Feb. 14, 2019

Attorney: Erin J. Meehan of Doherty, Wallace, Pillsbury & Murphy, Springfield (for the defendants)

Issue: JUNE 3 2019 ISSUE

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