

# Bunny

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## Confidential Information for Plaintiff's Attorney

**Participants:**            **Plaintiff's Attorney, Personal Injury Insurance Claim  
Town of Hamsville, Insurance Adjuster**

You are suing the town of Hamsville for \$58,000 on behalf of your client, Bunny Savinsky, age 38. Bunny fell and broke her ankle in the Hamsville town hall during an Easter concert three years ago.

Hamsville was holding a benefit Easter concert at Town Hall, the proceeds of which were going to be used to renovate a local park. Bunny was singing in the choir. At one point in the program, the choir was supposed to walk off the bleachers and circle in front of the audience. They had to hop every few steps. While Bunny was hopping, she took a bad hop, slipped, and came down on her foot incorrectly. From your perspective, this was likely due to the condition of the old, wooden, floor.

The next day Bunny went in for X-rays, and to her surprise, she learned that she had a broken ankle. The doctor immediately put on a cast. Three weeks later she had the cast off and started on crutches. Five months after that she got off the crutches but her foot still bothered her. She has been to a physical therapist, to an acupuncturist, and to a massage therapist. She has tried three different orthopedists. Nothing has helped put this behind her. Her ankle aches regularly.

To this day Bunny has to wear special orthotics all the time. She can't walk around barefoot for more than five minutes. The only shoes that her orthotics fit in are sneakers. Luckily she is a self-employed computer programmer and works out of her house, so the sneakers are not a problem. She has to take aspirin for pain about twice a week. Her doctors say that her condition will not improve. In addition to bone damage in two places, they say that she may have some cartilage damage. If her condition deteriorates further, she might have to have more surgery. Furthermore, her insurance plan has a \$10,000 deductible, which is another burden.

Your claim is that the wooden floor of town hall was unsuitable for this kind of event. It is old and very slippery. In addition, it was also a rainy day and people had tracked water and mud inside. The town made no effort, as far as you have gathered, to clean it up. While you can't prove that Bunny's fall was the result of a hole or a crack in the floor, you do claim that the floor was too slippery everywhere. Bunny says she heard some other choir members say they almost slipped as well that night, but she doesn't remember who they were. Three different choirs were performing together that night, and it would be very difficult to find these people now.

Bunny is a very accomplished basketball player, and she played on her high school and college teams. She is coordinated and comfortable jumping, so it's unlikely she slipped from her own error.

The \$58,000 you are asking for breaks down as follows: \$6,000 in medical expenses, \$2,000 in lost wages, and \$50,000 in pain and suffering. Unfortunately, you don't think Bunny has a fantastic case. Your argument on the liability issue is a little weak, and there is a possibility that the insurance company should prevail completely in court, leaving Bunny with nothing. Still, you feel that the company's offer of \$12,500 is low considering Bunny's needs, and you think you can get more than this.

You'll have to see what happens in mediation. You're encouraged that the insurance adjuster's son is in the same little league as your son. While you don't know him/her very well, you hope this pre-existing relationship will help facilitate a settlement and that you can preserve a good relationship moving forward.