**Case 2: Personal Injury Lawsuit (Negligence)**

**Parties Involved:**

* **Plaintiff:** Sarah (Injured Shopper)
* **Defendant:** [Name of Shopping Mall]

**Court:**

* Massachusetts Supreme Judicial Court

**Facts:** Sarah was shopping in the defendant’s mall when she slipped and fell on a wet floor. The floor had not been marked with any warning signs or cones indicating a hazard. As a result of the fall, Sarah sustained a broken leg, leading to:

* Medical bills totaling $15,000.
* Loss of income due to inability to work for 3 months.
* Pain and suffering caused by the injury.

Sarah files a lawsuit against the mall, claiming negligence due to its failure to maintain a safe environment for customers by not warning them about the hazard.

**Legal Issues:**

1. **Negligence** – Did the shopping mall breach its duty of care to Sarah by failing to place warning signs near the wet floor?
2. **Causation** – Did this breach of duty directly lead to Sarah’s injury?
3. **Damages** – Is Sarah entitled to compensation for her medical expenses, lost income, and pain and suffering?

**Legal Arguments:**

* **Plaintiff's Argument (Sarah):**
  + The mall has a legal duty to maintain safe conditions for its visitors. By failing to place a warning sign around the wet floor, the defendant breached this duty.
  + The breach directly caused Sarah’s slip and fall, which resulted in a serious injury, medical expenses, and financial losses.
  + Sarah seeks compensatory damages for:
    - **Medical expenses** ($15,000).
    - **Lost wages** due to her inability to work.
    - **Pain and suffering** from the physical and emotional distress caused by the injury.
* **Defendant's Argument (Shopping Mall):**
  + The defendant may argue that Sarah was not exercising reasonable caution and contributed to her own injury (a possible **contributory negligence** defense).
  + The defendant may also claim that the hazard was temporary and that the mall staff was in the process of addressing the issue when the accident occurred.

**Key Legal Principles:**

1. **Duty of Care:** Business owners owe a duty of care to their customers to ensure that the premises are safe. A failure to warn customers of a known danger, like a wet floor, constitutes a breach of this duty.
2. **Negligence Elements:** For Sarah to succeed in her claim, she must prove:
   * The mall owed her a duty of care.
   * The mall breached that duty.
   * The breach directly caused her injury.
   * She suffered actual damages as a result.
3. **Contributory Negligence (Defense):** If the defendant can prove that Sarah was partially at fault, her damages could be reduced.

**Possible Outcomes:**

* If the court finds that the mall was negligent and that its negligence caused Sarah’s injury, the court may award compensatory damages for her medical expenses, lost wages, and pain and suffering.
* If the court finds contributory negligence on Sarah’s part, her compensation may be reduced accordingly. For example, if Sarah is found 20% at fault, her damages may be reduced by 20%.