

# Secondary legal sources

Law



Secondary Legal Sources Based on Samantha Smith explanation of the incident that conspired towards her breaking her hip bones in a local grocery store; couple with evidences brought in from both sides, representation of her case can be based on past cases involving Slip and fall injuries in premises which were supposed to be safe to people. In Samantha's situation, the grocery store was supposed to be responsible for the wiping off of the spill, through constant inspection of their floor. According to the grocery store defense, they argued that Samatha was the one who was not responsible as she was busy with her distracted child. Based on the evidences collected and being the one representing Samatha Smith on this case, a good defense hence has to be made for her to win and get compensated for the damages she had incurred during the injury process. In the case of Garcia v. Delgado Travel Agency in 2004, the complainant, Garcia lost the case. The case fact involved Garcia slipping on a wet floor as she was entering the office of Delgado Travel Agency. On suing Delgado, her case was dismissed on the grounds that Delgado was not permanently liable for causing the wet floor and the rain that caused the wet floor. In addition, the court ruled that Delgado was not obliged under any law to continuously mop rain water (Garcia v. Delgado Travel Agency, 4 A. D. 3d 204, 771 N. Y. S. 2d 646 [2004]). Therefore, due to lack of evidence of Delgado being the cause of the wet floor, it was attributed Garcia falls to be an act of negligence on her part.

In the case involving Galietta v. New York Sports Club, the complainant Galietta sued New York Sports Club for injuries sustained after he slipped on a spilled liquid on a staircase. Galietta failed to provide factual evidence as to whether the spilled drink had been there with the knowledge of the

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management. In addition, it could not be established who actually made the spill hence could not be pinned down on the defendant. Hence due to lack of evidence, the case was dismissed (*Galietta v New York Sports Club*, 4 AD3d 449 [2004]).

In the case between *Theodouro v. Aphis Realty Inc.*, Theodouro was the plaintiff while Aphis Realty Inc. the defendant. Theodouro complained of having slipped and fell while he was on the dance floor and sustained serious injuries. He blamed Aphis for being negligent to the situation whereby dancers and musicians were thrown paper money and flowers. The case was dismissed based on Theodouro involvement in a dangerous activity, something which he should not have blamed the defendant.

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#### Work Cited

*Garcia v. Delgado Travel Agency*, 4 A. D. 3d 204, 771 N. Y. S. 2d 646 [2004]

*Galietta v New York Sports Club*, 4 AD3d 449 [2004]

*Theodouro v. Aphis Realty Inc.*