

## Briefcase

### Parties

1. Brookshire Grocery company as a petitioner
2. Mary Francis Taylor as a respondent

### Facts:

Respondent Mary Francis Taylor sued petitioner Brookshire Grocery Co. for injuries, she suffered when she slipped and fell on a piece of ice on a tile floor in petitioner's grocery store. The piece of ice fell from the self- service soft drink dispenser in this grocery store.

### Legal issue:

Was the petitioner responsible for respondent's injury?

### Procedural background:

The trial court ruled in respondent's favor. The court of appeal affirmed. That The Supreme Court addressed two questions: whether the dispenser was itself an unreasonably dangerous condition, or only the ice on the floor on which Taylor slipped and if there was any evidence that Brookshire was or should have been aware of that condition.

A Brookshire employee testified that he knew about the dysfunctional dispenser and that the ice was on the floor all the time. He said that it was hazard to costumers and he admitted that they could have used some signs or add more mats, which were in front of the dispenser, but they did not cover whole floor. Brookshire was obligate to use reasonable care to protect costumers from any unreasonably dangerous condition in its store of which it had actual or constructive knowledge.

Taylor said that the dispenser was unreasonably dangerous condition and Brookshire was aware of the risk but Brookshire argued that only the ice on the floor was unreasonable dangerous condition, not the whole dispenser, and there was no evidence that Brookshire had actual or constructive knowledge of the ice on which Taylor slipped.

The Supreme Court ruled that the petitioner is not responsible for respondent's injury, caused by piece of ice.

### Reasoning of the court:

"The only unreasonably dangerous condition in this case was the ice on the floor. Brookshire did not have actual knowledge of the ice on which Taylor slipped, and there is no evidence that he condition had existed long enough, the ice not having fully melted, for Brookshire to have constructive notice."

Because Taylor adduced no evidence that Brookshire had constructive knowledge of the unreasonably dangerous condition that caused her harm, Brookshire was entitled to summary judgment.