



NYC Slip-and-Fall Lawyer Says Victims Must Review All Possible Options for Compensation

Even if a municipality does not have notice of a defect that causes a slip-and-fall accident, the law provides exceptions that allow victims to recover for their injuries, New York City personal injury attorney David Resnick says.

New York, NY ([PRWEB](#)) June 20, 2011 -- A recent New York Court of Appeals' decision highlights the importance of exploring all angles in a slip-and-fall claim against a municipality, [New York City personal injury lawyer David Resnick](#) said today.

Under New York law, a municipality cannot be held liable for a slip-and-fall that occurs on a sidewalk, crosswalk, street, highway, bridge or culvert unless it has received written notice of the defect that caused the injury, such as cracked or uneven pavement, slippery ice patches or water puddles, poor lighting or broken, missing or loose handrails.

In the June 2 decision in *Groninger v. Village of Mamaroneck* (Docket No. 85), the state's highest court ruled that a village-owned parking lot fell within the definition of "highway" because it served the same "functional purpose" of a highway. Because the city did not have notice of the icy patch of ice that caused the victim's fall, the village could not be held responsible, the court ruled.

"This issue often comes up in [New York slip-and-fall claims](#) against a city or county, and as this case shows, the municipality tends to argue that the property falls within one of those six categories where notice is required," said Resnick, whose [New York City personal injury law firm](#) of David Resnick & Associates, P.C., has secured verdicts and settlements for slip-and-fall victims throughout Manhattan, Brooklyn, Queens, Staten Island, the Bronx and Long Island.

"However, even if the municipality doesn't have notice of the defect, the law provides exceptions that can allow a slip-and-fall victim to still recover compensation for things like medical expenses, lost wages and pain and suffering," he said.

"If a New York resident suffers a fall-down injury, it is important to contact an experienced lawyer who has a background with slip-and-fall cases and who can explore the facts of the case and determine whether those exceptions apply. Even what may appear to be a simple [New York slip-and-fall lawsuit](#) can involve very complicated issues."

According to the New York slip-and-fall attorney, those exceptions are:

- **Affirmative negligence** – This applies when the municipality has created the hazard or defect through a direct act, such as piling snow and ice on a sidewalk or parking lot. "This can be a complex matter," Resnick said.
- **Special use** – This arises when the city has derived a benefit from the defect, such as when pedestrian traffic is diverted from a sidewalk onto a defective stretch of road while the city does work on the sidewalk. The municipality would have a duty to provide a safe alternative.



“Because each accident case is extremely fact specific, it is important to collect as much evidence as possible at the scene right away, such as a photograph of the sidewalk, road, stairway or parking lot,” Resnick said. “This evidence could be crucial later on in developing the case, including assisting expert testimony that can help to establish how the defect caused the fall to occur.”

“At David Resnick & Associates, we understand the tremendous physical, emotional and financial impact that a slip-and-fall accident can have on victims and their families,” the New York lawyer added. “We’re dedicated to doing everything we can to secure a recovery that helps victims move on with their lives.”

About David Resnick & Associates, P.C.

David Resnick & Associates, P.C. is a well-respected [New York City accident and personal injury law firm](#). The firm handles slip and fall cases, premises liability cases, automobile accidents, pedestrian accidents and other injury claims in New York City's five boroughs of Manhattan, Brooklyn, Queens, Staten Island and the Bronx. For more information or for a free, no-obligation case consultation, call (212) 279-2000 or use the firm’s [online form](#)

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