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[Home](#) > Resort found not liable for fall over parking lot chain

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Resort found not liable for fall over parking lot chain

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PREMISES LIABILITY

PALM BEACH CIRCUIT COURT

A jury declined to award damages to a man who suffered elbow and shoulder injuries after tripping over a chain blocking access to a resort's service parking lot in Palm Beach.

In 2005, David Mauer, then 51, fell over the chain at the Four Seasons, causing him to fracture both elbows and tear the rotator cuffs in both shoulders. Mauer claimed the resort's failure to warn him about the chain and insufficient lighting in the area created a dangerous condition.

Four Seasons claimed Mauer admitted being aware of the chain, stepped over it several times without incident and even warned his co-worker about it. It also claimed a pedestrian walkway was next to the chain, so Mauer did not need to step over it.

Case: Mauer v. Four Seasons Hotels Ltd.

Case No.: 50 2009 CA 016834

Plaintiff lawyers: William Contole and David Wiitala, Wiitala & Contole, North Palm Beach

Defense lawyers: Steven R. Adamsky, Mitrani Rynor Adamsky & Toland, Miami; Elana B. Goodman, Mitrani Rynor Adamsky & Toland, Weston