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"I May Not Handle Every Injury Claim In Florida... But I Sure Am Gonna Try!" ©

News From Accident Lawyer John Fagan

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Car & Motorcycle Accidents | Dog Bite | Nursing Home Neglect | Slip & Fall | Workers' Comp



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I thought you might want to know:

Notice Is Key In Injury Cases

If you're in a store, a parking lot, a bus station or any other kind of facility, the owner has an obligation to take reasonable steps to keep you safe. That means the owner is expected to regularly inspect the premises for any potentially dangerous conditions on the property that could cause someone to get hurt and to fix them in a reasonable amount of time.

But that doesn't mean the owner will be held responsible for any dangerous condition that caused someone's injury. There still has to be notice. This means that to hold the property owner accountable, you need to show that the owner knew or should have known about the condition at the time you got hurt and failed to repair it as quickly as a reasonably careful store owner, restaurant operator or any other reasonable person in the owner's shoes would have done.

A few recent cases shed some light on the issue of notice and demonstrate what is required. For example, take a case from Rhode Island. A woman who worked at a newsstand that rented space in the Providence Amtrak station had to exit the station to retrieve a bundle of papers on an icy and wet day. As she re-entered the station, she slipped and fell passing through a common area. She sought to hold Amtrak liable for her injuries. Amtrak tried to get the case thrown out, arguing that it had no notice of the wet spot and thus hadn't had a reasonable amount of time to clean it up before the accident.



But a federal judge disagreed, finding that the plaintiff's testimony that she saw a janitor in the vicinity when she fell was enough to make the case worth bringing before a jury. Additional evidence, including video evidence of a wet mat leading into the station and the woman's testimony that the janitor mopped the floor each morning but she didn't see him mopping that day, appeared to make the judge's decision easier.

Meanwhile, a woman in Virginia sought to hold Wal-Mart accountable when an electrical junction box cover fell from the ceiling in one of its stores, landing on her and causing serious injury. The accident was allegedly due to vibrations caused by a roofing company Wal-Mart had hired to fix the store roof. The woman argued that Wal-Mart itself could be held responsible because it had notice of the condition after several other incidents over the previous month where items had fallen from above, hurting shoppers.

A judge agreed and allowed the case to proceed to trial. Obviously, the result of any case will depend on its facts and the law of the state where it's being heard.

Still, if you get hurt, you should never just assume you have no rights because the person responsible for the condition didn't have notice of it. It's always worth talking to an attorney to see what your rights might actually be.



Should I Make A New Year's Resolution?

Research shows that less than 10 percent of people who set New Year's resolutions actually achieve them. And more than 50% of people who make resolutions can't even remember what those promises were when asked later in the year.



Apparently, what happens in January stays in January; it rarely makes it to June.

You should make resolutions:

- If you like infusing your brain with extra motivation.
- If you have been setting the same goals for years.
- If you have a tendency to forget what your resolutions were.
- If you want to get things done.

You shouldn't make resolutions:

- If you already have a system for setting and achieving your goals.
- If you think it is ridiculous to wait until the first of the year to set important life and business goals.
- If you still have enough excuses for why you haven't achieved your goals yet.

Instead of making resolutions and then making excuses for why you haven't worked on them, focus on the excuses themselves: Identify the barriers preventing you from being fully committed to your goals, and eliminate those first.

If I only had one resolution... it would be to rediscover the difference between wants and needs.

May I have all I need and want all I have.

Easy Cheesy Pasta

Ingredients

- 1 (15-oz) jar Alfredo sauce
- 2 cups shredded sharp cheddar cheese, divided
- 1 cup shredded swiss cheese
- 1/4 cup crumbled blue cheese
- 1 cup whole milk
- 1/4 teaspoon kosher salt
- 1/4 teaspoon pepper
- 8 oz penne pasta

Instructions

1. Preheat oven 400°F.
2. Cook pasta; drain.
3. Combine in large bowl: alfredo sauce, 1 cup Cheddar cheese, Swiss cheese, blue cheese, milk, salt, and pepper; add cooked pasta.
4. Transfer to 2-quart baking dish; top with remaining 1 cup Cheddar cheese. Bake 20–25 minutes or until hot and bubbly. Serve.

