

Copyright 2007 Florida Legal Periodicals, Inc.  
FLORIDA JURY VERDICT REPORTER (FJVR)

CATHERINE RIZZO vs. J&L PROPERTY MANAGEMENT GROUP, INC. and SAN REMO  
GOLF & TENNIS CLUB ASSOC., INC.

Docket No.: 50 2005 CA 0009447 MB (AN); FJVR Reference No. 07:8-65

Settlement Date: **April 27, 2007**; Publication Date: **August 2007**

**TOPIC:** Defense Verdicts - Falldown - Condominium - Resident Slipping on Wet  
Leaves on Stairs

**RESULT:** For the Defendants. (verdict)

**STATE:** Florida

**COUNTY:** Palm Beach

**JUDGE:** Jeffrey Winikoff

**PLAINTIFF PROFILE:** Age: 32

Sex: Female

Occupation: Chemist

**PLAINTIFF ATTORNEY:** William C. Ruggiero, Ft. Lauderdale

**DEFENDANT ATTORNEY:** Daniel J. **Santaniello** and William J. Peterfriend of **Luks,  
Santaniello**, et al., Ft. Lauderdale

**CAUSE OF INJURY:** On July 13, 2004, Plaintiff allegedly slipped on wet leaves and sap that had accumulated on stairs located outside Defendants' condominium unit in Boca Raton. Plaintiff alleged that Defendants failed to properly maintain and inspect the stairs. Defendants contended that maintenance procedures were adequate and that Plaintiff failed to provide any proof of leaves ever existing or accumulating on the steps, in the form of either testimony or photographs. Plaintiff's sister, Lisa Rizzo, testified, via deposition, that she was at the accident scene shortly after Plaintiff fell and did not see any leaves or sap. Wilma Livingston, who appeared on behalf of Defendant San Remo, testified that she walked the property on a daily basis and never saw any leaves accumulate on Plaintiff's steps. Jim Calderazzo, President of Defendant J&L Management Group, testified that at the time of the accident he would inspect the property once a week, with another maintenance person, performing additional inspections three times weekly.

**NATURE OF INJURY:** Fractured left elbow. Dr. Michael J. Krebsbach, an orthopedic surgeon, performed an open reduction and internal fixation of Plaintiff's left olecranon. Plaintiff did not claim any other injuries.

**DEFENDANT EXPERT WITNESSES:** Brad S. Chayet, M.D., Orthopedic Surgery,  
Plantation

**EDITOR'S NOTE:** The jury found that there was no negligence on the part of Defendants which was a legal cause of damage to Plaintiff. Plaintiff demanded \$ 100,000 prior to trial; Defendants offered \$ 10,000 prior to trial.