



Slip & Fall: Damages you can Claim

Slip & Fall Damages You Can Claim

Slip and fall cases generally fall under the umbrella of the more comprehensive premise liability lawsuits. In Georgia, as in other states of the US, you can claim both general and special damages.

Our resource '[What is Your PI Claim Worth?](#)' talks about this question in great detail but we will still repeat the essentials.

Special Damages – These are the damages arising directly as a result of the mishap. They include:

- *Medical Bills of surgical procedures, therapists and convalescent care.* Any expenses you have incurred in receiving medical care to recover is fair game for slip and fall cases. The property owner if liable must provide adequate compensation to cover past and present expenses and even make room for future projections in case of serious or debilitating injuries.
- *Loss of wages and earning capacity.* These are two different items and must be treated as such. Loss of wages refers to the income a slip and fall victim loses because of staying away from work in the wake of the accident. It is relatively simple and straightforward to calculate. A written statement from the employer coupled with proof of earning may suffice. Loss of earning capacity is trickier. It requires the claimant to prove that the injuries have interfered with his/her ability to work with the same precision, finesse and dedication as before and thus he should be provided financial compensation to address the same. This is especially true for professions where strenuous physical exertions are required. A back injury may diminish the capacity of a factory floor worker to manipulate heavy machinery. Under such circumstances the defendant or the land owner may foot the bill for additional vocational courses to develop a different set of skills in the victim.
- *Incidental expenses.* This stands for the money the victim has to spend purchasing possessions damaged in the incident as well as travel expenses, gas money and parking charges at hospitals and therapy clinics. These must be carefully documented with bills and other proof to make a case.

General Damages – These damages generally relate to the pain and suffering endured by the victim in the aftermath of the mishap. It largely depends upon the ability of the lawyer to convince the jury members of the plight of the claimant. In general slip and fall cases entitle you to request financial recompense for the mental and physical distress that mark your recovery and your rehabilitation.

Claim Considerations

More than the damages you can claim, the proof of negligence and liability on part of the defendant is an issue that requires careful consideration and plenty of investigation. Slip and Fall cases in Georgia generally have a 2 year statute of limitation.

Three important factors decide whether a claim is awarded or not and the value of the award.

- *Did the property owner take 'reasonable' care in ensuring that his premises were safe for visitors?* Even if you slip and fall in a garage that has been clearly marked DANGEROUS by the owner, you will likely not be able to receive financial compensation if the defendant took reasonable care. Since the definition of the term 'reasonable' can be debated and questioned, this is where the assistance of an experienced lawyer is required.
- *Could the property owner have prevented the accident?* If the roof of a barn falls and the victim stumbles over the rubble, the mishap didn't occur because of the collapse. Yet the fall could have been prevented by reinforcing the roof in time. Questions around whether or not the property owner knew of the issue could influence matters.
- *Did the victim exercise caution while navigating an alien landscape?* It is our duty to take proper care of our own self. If you as the claimant had been distracted or talking on the phone, you could be held partially at fault. Comparative negligence may lead to a proportionate reduction in the size of the award.

If you have been hurt due to the negligence of another, Cliff Carlson Law, PC attorneys are ready to pursue your case aggressively and get you the justice you seek.



CLIFF CARLSON LAW, P.C.
— PERSONAL INJURY ATTORNEY —

Call us at 1-866-262-2834 for a FREE consultation!