



Premise Security Liability Litigation

- A premise security liability litigation lawsuit is simply a claim for damages sought in civil court on behalf of a crime victim, usually against the owner of the premises where the incident allegedly occurred
- The incident locations may be personal dwellings, hotels, retail stores, or restaurants to name a few
- The victim of crimes such as assault, rape, or robbery seeks to hold the landowner responsible for the sustained injuries, usually both psychological and physical

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- Premise security lawsuits are among the fastest growing segments of personal injury litigation today
- A survey was conducted by Liability Consults, Inc. which depicted that hotels are the target of choice as being the most frequently litigated industry regarding premise security liability litigation at 22%
- The second most litigated industry is the retail industry at 9%
- Personal dwellings topped the list at 36%, but clearly the targeted business or industry is hospitality

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- The United States of America is arguably the most litigious country in the world
- The hospitality industry is the most litigated industry in the most litigious country in the world

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- To successfully litigate a premise security liability claim, a thorough and diligent investigation must be conducted
- The preparation defense regarding a premise security case should begin the moment the serious crime is reported
- Beginning the investigative process before the actual lawsuit is filed is imperative, since the first notice of a lawsuit is filed perhaps years after the incident occurred

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- In order for a lawsuit to be filed, four elements must exist
- The property owner or hotelier must have a duty
- The property owner or hotelier must breach that duty
- There must be a proximate cause between the property owner's duty and the alleged incident
- The victim must suffer a loss

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- The hotelier is responsible for providing its employees and guests with reasonable
- Reasonable care is defined in Black's Law Dictionary as "The degree of care which a person of ordinary prudence would exercise in the same or similar circumstances"
- Within the hospitality industry the definition is further defined as "the manner in which a prudent and responsible person responds to a "foreseeable" and predictable" risk

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- The ability to foresee and predict incidents are key components in satisfying the requirement or meeting the “preponderance of evidence” standard bestowed by the courts
- Investigative techniques which may be helpful in ensuing a favorable result include but are not limited to; inspect the premises, preserve records, interview building personnel, obtain all pertinent reports and records and investigate the plaintiff

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- The noted investigative techniques may be helpful in receiving a favorable verdict
- Some of the techniques will require a court ordered subpoena to obtain
- A knowledgeable local attorney who specializes in premise security liability litigation is needed and should be an important aspect of your team

Thank you.
