

QIU JU CHENG v. L.A. FITNESS INTERNATIONAL, LLC

Jury Trial

March 5, 2009

Christopher E. Faenza, Esq.; Alice L. Chen, Esq.

Christopher Faenza and Alice Chen obtained a defense verdict on behalf of L.A. Fitness International, LLC in this negligence/premises liability action involving plaintiff's slip and fall incident that occurred at the stairs leading from an elevated Jacuzzi at the L.A. Fitness facility located in Alhambra, California.

On May 19, 2007, plaintiff and her daughter went to L.A. Fitness pursuant to their gym membership. Plaintiff utilized the Jacuzzi in the women's locker room as is her usual routine. She emerged, and without using a towel to dry off, put her feet in a pair of flip-flop sandals and proceeded to descend the stairs. On the first step from the landing, plaintiff slipped and fell onto her left buttock area. Plaintiff did not notify L.A. Fitness of her incident until approximately 10 days later. Plaintiff contended that L.A. Fitness negligently failed to maintain its premises in a reasonably safe condition by allowing too much water to pool at the stairs leading from the Jacuzzi, which caused a dangerously slippery condition to exist.

As a result of the incident, plaintiff claimed the following injuries: hematoma on left buttock, left leg numbness, and disc herniation to L4-5 and L5/S1, requiring surgery. Plaintiff sought damages in excess of \$80,000 for past economic and non-economic damages, as well as future non-economic damages for a total of \$300,000.

In defense, Mr. Faenza and Ms. Chen contested liability by presenting expert testimony that the floor of the stairs near the Jacuzzi met the industry standards for slip resistance. Testimony from employees was presented to dispute plaintiff's claims of negligence on the part of L.A. Fitness, as only one other prior similar incident occurred on the premises. In addition, Mr. Faenza and Ms. Chen presented expert testimony that plaintiff signed a membership agreement, which included an exculpatory provision absolving L.A. Fitness of liability for plaintiff's damages as a result of any negligence. There was also expert testimony that plaintiff's surgery was neither reasonable nor necessary.

After a seven-day trial, the jury deliberated for two hours and returned a verdict in favor of L.A. Fitness on the negligence issue. The jury also determined that plaintiff did sign the membership agreement, which precludes her claim for negligence/premises liability.

Prior to trial, defendant, L.A. Fitness International, LLC served a statutory offer to compromise for \$15,000 upon plaintiff. Because the offer was rejected by plaintiff, L.A. Fitness was awarded its costs and expert fees in the amount of \$27,079.85.

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