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Project 1
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RE: Client Mary Hastings
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I. Introduction

The synthesis memo examines three court decisions: two handed down by the Maryland Court of Special Appeals and one by the Maryland Court of Appeals. These decisions shape the legal framework that governs slip and fall premises liability cases, with property owners as the defendants and invitees as the plaintiffs. The memo thoroughly analyzes three specific cases: *Maans v. Giant of Md.*, 161 Md.App. 620, 871 A.2d 627 (2005); *Joseph v. Bozzuto Mgmt. Co.*, 173 Md.App. 305, 918 A.2d 1230 (2007); and *Deering Woods Condo. Ass'n v. Spoon*, 377 Md. 250, 833 A.2d 17 (2003) respectively.

II. Synthesis of the Rationales

The key court rationale present in the three Maryland slip and fall premises liability cases, *Maans v. Giant of Md.*, 161 Md.App. 620, 871 A.2d 627 (2005); *Joseph v. Bozzuto Mgmt. Co.*, 173 Md.App. 305, 918 A.2d 1230 (2007), and *Deering Woods Condo. Ass'n v. Spoon*, 377 Md. 250, 833 A.2d 17 (2003), emphasizes the importance of establishing notice as a fundamental element in slip and fall cases. In these cases, the courts consistently demand that the injured party or the invitee convincingly demonstrate that the property owner possessed either actual or constructive knowledge of the hazardous

conditions and had a reasonable opportunity to rectify it or provide warnings before assigning liability. To prevail in a slip and fall case, plaintiffs must vividly establish the presence of a hazardous condition, the property owner's awareness, the capacity to address the hazard, and a direct causal link between the condition and the injuries. Property owners, in their defense against slip and fall claims, may utilize strategies such as asserting a lack of notice, arguing comparative negligence, highlighting open and obvious hazards, or claiming an assumption of risk. These principles highlight the importance of establishing notice, causation, and the property owner's accountability in premises liability cases, as showcased by these Maryland cases.

III. Individual Holdings

Maans v. Giant of Md., 161 Md.App. 620, 871 A.2d 627 (2005).

Maans, the appellant, filed a lawsuit against Giant, claiming injuries stemming from a slip and fall caused by a hazardous condition on Giant's premises in Maryland. The trial court ruled in favor of Giant due to Maans' failure to establish negligence or prior knowledge of the hazard. Maans appealed to the Maryland Court of Special Appeals. The case's focal point lies in the appellate court's rejection of the appellant's request to adopt the "mode-of-operation rule," which, if granted, would have spared her from proving the property owner's awareness of unsafe conditions and from the requirement to provide evidence regarding the "time on the floor," which includes specific details about the duration of the hazardous condition, inspection intervals, and the presence of the hazard. The appellate court reasoned that adopting the "mode-of-operation rule" would weaken the need to prove the crucial elements of notice and causation in slip and fall premises

liability cases in Maryland. See *Maans v. Giant of Md.*, 161 Md.App. 620, 637 - 638 (2005). Additionally, the court asserted that eliminating the "time on the floor" requirement would release the invitee from the responsibility of verifying that the property owner's negligence directly caused the injury. See *Maans*, 161 Md.App. at 639 - 640. The appellate court's decision upholds the established legal precedent in Maryland, highlighting the invitee's duty to prove the property owner's actual or constructive awareness of the hazardous condition and the opportunity to remedy or give warning about it before the injury occurred.

Joseph v. Bozzuto Mgmt. Co., 173 Md.App. 305, 918 A.2d 1230 (2007).

This case originates from a slip-and-fall incident at an apartment complex in Montgomery County, Maryland, prompting premises liability claims. Joseph, the visitor, suffered injuries while descending the ten flights of stairs rather than utilizing the elevator during his visit to the apartment complex, where the property owner and manager held primary responsibility for property maintenance and safety. See *Joseph v. Bozzuto Mgmt. Co.*, 173 Md.App. 305, 309 - 310 (2007). The appellate court's holding is that the apartment complex owner and property manager cannot be held liable for a visitor's slip-and-fall injuries due to the absence of evidence proving their awareness of the hazardous condition, and a county code provision on landlord-tenant relations did not create a legal foundation for the visitor to file a lawsuit for injuries sustained on the property. See *Joseph v. Bozzuto Mgmt. Co.*, 173 Md.App. 305, 313 - 318, 333 - 335 (2007). The appellate court's ruling strengthens Maryland's established legal precedent, emphasizing that it falls upon the invitee to prove that the property owner possessed

actual or inferred awareness of the hazardous condition and had the opportunity to rectify or forewarn about it before the injury occurred.

Deering Woods Condo. Ass'n v. Spoon, 377 Md. 250, 833 A.2d 17 (2003).

This Maryland case is about an accident that occurred on the property of the Columbia Association (CA), a property management company (Mgmt. Co.), and a condominium association (Condo). Ms. Spoon was injured when she slipped and fell on a pathway due to ice formation at the interface between a swale and the pathway. Ms. Spoon was considered a "public invitee" on CA's land, which imposed certain legal obligations on the property owners regarding her safety. See *Deering Woods Condo. Ass'n v. Spoon*, 377 Md. 250, 254 - 258 (2003). The trial court granted summary judgment in favor of the defendants based on this lack of notice. Spoon appealed to the Court of Special Appeals, which found genuine disputes regarding liability and discussed a waiver of claim bylaw provision. The defendants then petitioned the Maryland Court of Appeals, which granted certiorari, focusing on the lack of constructive notice. The holding of the case is that the defendants are not liable for the injuries sustained by Ms. Spoon on CA's property due to the lack of constructive notice, which means the defendants did not have reasonable knowledge of the ice on the pathway that led to Spoon's injury. As a result, the court affirmed the judgments of the trial court in favor of the defendants, reversing the decision of the Court of Special Appeals. The Court of Appeals' decision concludes that the defendants are not legally responsible for the plaintiff's injuries. See *Deering Woods Condo. Ass'n v. Spoon*, 377 Md. 250, 272 - 274 (2003)

IV. Synthesis of the Holdings

In these three Maryland slips and fall premises liability cases, a central and resounding principle emerges: invitees must conclusively establish that property owners possessed real or inferred awareness of hazardous conditions and had the opportunity to rectify or forewarn about them to incur legal responsibility for injuries occurring on their premises. In *Maans v. Giant of Md.*, 161 Md.App. 620, 871 A.2d 627 (2005), Maans' plead to adopt the "mode-of-operation rule" was rejected, reinforcing the imperative of substantiating notice and causation. Similarly, in *Joseph v. Bozzuto Mgmt. Co.*, 173 Md.App. 305, 918 A.2d 1230 (2007), the appellate court emphasized the vital need for presenting compelling evidence of the property owner's cognizance of the hazard. Finally, *Deering Woods Condo. Ass'n v. Spoon*, 377 Md. 250, 833 A.2d 17 (2003) highlights the paramount role of constructive notice, as the Court of Appeals favored the defendants, attributing the ruling to their lack of reasonable knowledge about the unsafe condition, thereby emphasizing the central role of notice in Maryland premises liability claims.

Reference

Maryland court of last resort

Maryland Court of Appeals (until December 14, 2022)

Deering Woods Condo. Ass'n v. Spoon, 377 Md. 250, 833 A.2d 17 (2003)

Maryland intermediate appellate court

Maryland Court of Special Appeals (until December 14, 2022)

Maans v. Giant of Md., 161 Md.App. 620, 871 A.2d 627 (2005)

Joseph v. Bozzuto Mgmt. Co., 173 Md.App. 305, 918 A.2d 1230 (2007)

