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LGST 201 7381
Week 7 Learning Activity
Project 4: The Client Letter
11/24/2023

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Ms. Mary Hastings
4583 Orchard Avenue
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Dear Ms. Hastings,

I hope this letter finds you well. Your recent interaction regarding the incident involving your slip and fall at a local park owned by Gilford Pines Condominium Association (GPCA) has highlighted the severity and challenges you've encountered. As I understand it, On January 2, 2017, the unfortunate event transpired as you slipped on black ice, notwithstanding GPCA's purported efforts to clear the sidewalks and paths. The consequences were significant, resulting in a broken right arm. Notably, in the absence of witnesses to the incident, your resilience prevailed as you managed to walk home for assistance. Following this harrowing experience, you underwent medical treatment, enduring eight weeks in a cast to address the severity of your injuries. Subsequently, you took the necessary step of reporting the incident to GPCA, marking the initiation of legal proceedings. You've asked me to assess their legal liability under Maryland's premises liability laws. I am committed to supporting you in seeking possible justice and damages as you navigate the complexities of your case against GPCA.

Considering these facts, a Maryland court will likely apply well-established legal principles in slip-and-fall cases, emphasizing a crucial legal concept involving the designation of individuals as "invitees" and the requirement for property owners to possess "actual or constructive notice" of hazardous conditions. An "invitee" refers to someone the property owner invites onto the premises, typically for the mutual benefit of both parties. This legal concept of "invitee" is you. The property owner is GPCA. In slip and fall cases, invitees must conclusively demonstrate that property owners were aware of dangerous conditions, either actually or constructively. "Actual notice" implies that the property owner had direct knowledge of the hazard, and "constructive notice" means the property owner should have known about the danger through reasonable inspection or maintenance procedures. This rule mandates that property owners safeguard invitees from known hazards while highlighting the importance of invitees providing actual or

constructive notice of hazardous conditions. This assertion of this rule on notice highlights both parties' shared responsibility to ensure fairness in slip-and-fall cases under Maryland's law.

In a comparable case, a Maryland court ruled in favor of property owners because there was insufficient evidence demonstrating their awareness of the dangerous condition. The pivotal factor that swayed the court's decision was the invitee's inability to prove the property owner's knowledge. This precedent emphasizes linking GPCA's awareness and your slip-and-fall incident. In a parallel scenario where an individual alleged negligence against a property owner, the court emphasized the invitee's obligation to exhibit the property owner's actual or constructive knowledge of the defect on time. This statement serves as a poignant reminder that your success relies on presenting irrefutable evidence showcasing GPCA's awareness concerning the hazardous condition leading to your injury. The fundamental principles derived from these comparable cases apply seamlessly to your situation. The overarching theme remains consistent – GPCA's liability is established based on their knowledge of the dangerous condition at the heart of your slip-and-fall incident.

While exploring alternative legal arguments could fortify your case, your legal strategy should primarily reinforce the principles pertinent to GPCA's notice or knowledge. In the rigorous analysis of your case, it is paramount to underscore, at every juncture, the compelling need to demonstrate GPCA's unambiguous notice or knowledge of the hazardous condition. This emphasis guides us, ensuring that your legal arguments consistently align with the foundational principles in the highlighted comparable cases. You must primarily focus on meticulously presenting evidence that unequivocally establishes GPCA's actual or constructive notice of the specific hazard that resulted in your slip-and-fall. This evidentiary foundation forms the bedrock upon which you must build the success of your claim. Transitioning to the second part of your legal strategy, you must diligently outline and substantiate GPCA's failure to rectify or caution against the hazardous condition despite possessing knowledge. This dual-pronged approach strengthens your case, portraying GPCA's negligence in ensuring a safe environment for visitors.

In crafting your argument, exploring alternative facts corroborating and enhancing your position regarding GPCA's awareness is worthwhile. These alternative perspectives can serve as additional pillars supporting the foundation of your case. Anticipating potential counterarguments is a strategic imperative. One conceivable counterargument could be GPCA's assertion of no prior incidents or complaints. Proactively addressing this contention becomes crucial in preemptively dismantling such challenges to your case. Effectively addressing GPCA's counterarguments necessitates a robust presentation of evidence that directly refutes their claims. By systematically dismantling their assertions, you reinforce the validity of your position and fortify your overall case.

In summary, the foundation of your legal pursuit lies in demonstrating GPCA's notice or knowledge of the dangerous condition that precipitated your slip-and-fall incident. Your argument is anchored in the irrefutable evidence of GPCA's awareness, aligning with the bedrock principles elucidated in the discussed comparable cases and forming an unassailable foundation for your premises liability claim. Looking beyond the current litigation, assessing the potential for future legal claims against GPCA is prudent. This evaluation involves considering extra-legal

factors such as cost and time implications. Such a comprehensive assessment ensures a reasonable approach to legal action while safeguarding your interests.

Please feel free to call my office at (240) 123-4567 if you have questions or would like to set up a time to meet. Your active involvement in this ongoing dialogue is integral to securing a favorable outcome.

Thank you for entrusting me with your case, and I look forward to advancing your legal strategy collaboratively.

Very truly yours,

Alice Chong, Esq.