

Handwritten mark

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BONNIE ALITERE

v.

SHOPPERS FOOD WAREHOUSE CORP.

*
*
*
*
*
*

Civil No. – JFM-15-688

MEMORANDUM

Plaintiff has brought this action for injuries she allegedly sustained in a slip and fall accident at a store owned by defendant. Discovery has been completed, and defendant has filed a motion for summary judgment. The motion will be granted.

Plaintiff has presented no evidence that defendant was on notice of the liquid on the floor which allegedly caused plaintiff to slip and fall. In a case such as this it is the plaintiff’s burden to produce evidence to show that the store owner had actual or constructive knowledge of the dangerous condition. *Lexington Market Authority v. Zappala*, 233 Md. 444, 446, 197 A.2d 147 (1964). Shopkeepers “are not insurers of their customers’ safety and no presumption of negligence arises merely because an injury was sustained on a storekeeper’s premises.” *Giant Food, Inc. v. Mitchell*, 334 Md. 633, 636, 640 A.2d 1134 (1994).¹

A separate order granting defendant’s motion and entering judgment on its behalf is being entered herewith.

Date: 10/23/15
BY _____ DEPUTY
J. Frederick Motz
United States District Judge

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
CLERK'S OFFICE
AT BALTIMORE

¹ Plaintiff speculates that an employee of defendant who witnessed the fall “may have additional facts necessary for the Plaintiff to prevail.” However, plaintiff never noted the deposition of this employee.