
LIABILITY - CONNECTICUT

Nikides v. Town of Wethersfield

Appellate Court of Connecticut - February 11, 2014 - A.3d - 2014 WL 411298

Pedestrian sued town for damages stemming from injuries suffered as a result of trip and fall on broken piece of sidewalk. Following jury trial, the Superior Court found in favor of plaintiff and denied town's motion for directed verdict. Town appealed.

The Appellate Court held that evidence raised jury question as to whether pedestrian suffered injury while using due care and skill.

Evidence in pedestrian's action for damages under municipal defective highway statute stemming from injuries she allegedly received when she tripped and fell on broken piece of sidewalk raised jury question as to whether pedestrian suffered injury while using due care and skill, as required for recovery under statute. Plaintiff testified that as she approached defective portion of sidewalk, she was paying attention and perceived crack to be only defect, that she made mental note to step over crack, and that she did not perceive additional defect of downward slope on broken piece of sidewalk.

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