

Footwear Injury Cases

This is a collection of cases in which the choice of shoe was implicated in a negligence injury lawsuit. Most of these cases are from the appeals court level, since those cases that are not appealed are rarely published.

High (or other) Heels

Graciano v. K.A.M.C.O. Enterprises, Inc., No. D053806 (Cal.App. Dist.4 11/17/2009)

A painter was injured when his heel got caught in something, causing him to lose his balance and fall off a walkway onto the first floor. The painter lost and the Appeals Court affirmed.

Bourquard v. Winn Dixie Louisiana, Inc., 900 So.2d 131 (La.App. Cir.5 03/01/2005)

As a woman walked out of a store, her heel caught in a crack in the concrete directly outside the door, causing her to fall and to sustain injuries. Summary judgment for the store was reversed by the appeals court.

Blue v. Equitable Plaza, No. B166216 (Cal.App. Dist.2 07/13/2004)

Woman tripped and was injured when her shoe was caught on a loose screw that protruded through a mat. Summary judgment for the business was reversed by the appeals court.

Williams v. Clay County, 861 So.2d 953 (Miss. 11/13/2003)

A woman at the Clay County Courthouse fell and injured her leg when the heel of her shoe got caught in a hole in the concrete by the door of the exit. Trial court granted the Courthouse's motion to dismiss. The Mississippi Supreme Court affirmed.

Ball v. Dominion Insurance Corporation, 794 So.2d 271 (Miss.App. 07/17/2001)

Woman fell when she caught her heel on a curb. Appeals court upheld summary judgment against the woman.

Kennick v. B.H.K. Properties, No. 99-T-0016 (Ohio App. Dist.11 05/19/2000)

88-year old woman caught her heel at top landing of her apartment and fell. Trial court granted summary judgment to the apartment. Appeals court affirmed.

Lovell v. Hawks, Lorain App. No. 99CA007425 (Lorain Cty., Ohio, 6/28/2000)

A woman fell down the steps of the front porch of a house when the heel of her shoe got caught in the cinder block that was being used as the bottom step. Summary judgment for the homeowner was affirmed.

Price v. City of Winston-Salem, 539 S.E.2d 304, 539 S.E.2d 304 (N.C.App. 12/19/2000)

Woman's heel lodged in a space in the sidewalk and fell on wooden stake next to the sidewalk. The city was awarded summary judgment. Appeals court reversed.

Robinson v. Martin Chevrolet, Inc., Trumbull App. No. 98-T-0070 (Trumbull Cty., Ohio, 5/28/1999)

A woman wearing one-inch heels slipped and fell in a car repair shop. Summary judgment for the shop was affirmed.

Young v. City of New York, 250 A.D.2d 383, 673 N.Y.S.2d 378 (N.Y.App.Div. 05/07/1998)

Woman's heel caught in an expansion joint of a sidewalk causing her to slip and fall. The jury found for the woman. The appeals court affirmed.

Wallace v. Metropolitan Pier and Exposition Authority, 302 Ill.App.3d 573, 707 N.E.2d 140, 236 Ill.Dec. 295 (Ill.App. 12/23/1998)

A woman on Navy Pier in Chicago fell and was injured when the heel of her shoe became lodged in a gap where two pieces of concrete join in the walkway. The trial court granted summary judgment for Navy Pier. The appeals court affirmed.

Jones v. Hyatt Corporation of Del., 681 So.2d 381 (La.App.4 Cir. 7/26/1995)

Woman slipped and fell on a water spot in the corridor of a hotel, while wearing either high-heeled shoes or wedged heels. Jury decision affirmed, with reduction in amount awarded.

Vincelette v. Metropolitan Life Ins., 903 P.2d 1374, 273 Mont. 408 (Mont. 10/12/1995)

Woman at department store caught the heel of her shoe against the molding of a stair step, and fell. The jury found for the woman. Reversed by the Iowa Supreme Court.

McDonald v. University of West Virginia, 444 S.E.2d 57, 191 W.Va. 179 (W.Va. 4/22/1994)

Woman fell when her heel went into a "little pit" or "little crater-type thing" in the ground. Trial court set aside a jury verdict for the woman. Appeals court affirmed.

Choyce v. Sisters of the Incarnate Word, 642 So. 2d 287 (La.App.Cir.2 8/17/1994)

A woman wearing strapless shoes with closed toes, rubber soles, and 3½ inch heels slipped and fell on a hospital floor. She claimed an extremely slippery floor from excessive waxing. She was awarded \$134846.47; the appeals court affirmed.

Mills v. MMM Carpets, Inc., 1 Cal. App. 4th 83, 1 Cal. Rptr. 2d 813 (Cal.App.Dist.6 11/22/1991)

A woman injured her back when the heel of her shoe punctured a section of carpeting that had been laid over an uncovered utility hole. The case was about how to allocate damages over several tortfeasors.

Cooks v. United States, 815 F.2d 34 (7th Cir. 03/19/1987)

Woman fell and injured herself when the heel of her shoe caught on an elevated slab of a sidewalk. Trial Court judgment for the woman reversed.

Dolquist v. City of Bellflower, 196 Cal. App. 3d 261, 241 Cal. Rptr. 706 (Cal.App.Dist.2 11/17/1987)

Woman injured when she fell after getting her heel caught on a piece of rebar protruding from the top of a concrete tire stop. Original judgment against the woman reversed.

Christine Burns v. Schnuck Markets, 719 S.W.2d 499 (Mo.App.Div.3 11/12/1986)

A woman sprained her ankle when her shopping cart suddenly stopped. A jury awarded her \$5,000 which was reduced to \$2,500 on her contributory negligence, based on her wearing high-heeled shoes. The appeals court reversed the contributory negligence finding, and awarded her the full \$5,000.

Saul v. John D. and Catherine To. MaCarthur Foundation, 499 So. 2d 917; 12 Fla. Law W. 73 (Fla.App.Dist.4 12/24/1986)

Woman fell getting off elevator when her heel caught on the floor because the elevator had not been stopped level with the floor. Jury found in favor of the hotel. Appeals court reversed.

Johnson v. Hartford Accident & Indemnity Co., 476 So. 2d 570 (La.App.Cir.3 10/10/1985)

Woman was injured when the heel (2½ to 3 inches) of her shoe got caught in a hole drilled in a sidewalk by a construction company. Woman awarded more than \$12,500; appeals court affirmed.

Knight v. Western International Hotels, 323 S.E.2d 914, 172 Ga. App. 630 (Ga.App. 11/16/1984)

Woman's heel struck the roll of the driveway edge, causing her to stumble and fall. Trial court granted summary judgment to the hotel owning the driveway; appeals court affirmed.

Gardner v. Pepper Tree Apartments, 413 So. 2d 1077 (Ala. 4/23/1982)

Woman tripped and fell when the heel of her shoe caught on an upraised portion of the second step of the common stairway leading to her apartment. Summary judgment for apartment reversed.

Kuhn v. General Parking Corp., 424 N.E.2d 941, 98 Ill. App.3d 570 (Ill.App. Dist.1 07/29/1981)

Woman caught her heel in a broken asphalt floor tile.

Teague v. Cherokee County Memorial Hospital, 272 S.C. 403, 252 S.E.2d 296 (S.C. 02/14/1979)

Woman's heel got caught in a hold in stairs at a hospital. The trial court held for the hospital; The S. C. Supreme Court affirmed.

Martin v. Hyman, 395 A.2d 63 (D.C. 11/21/1978)

While descending a steel staircase, a workman caught his heel on the protruding lip of one of the treads, fell, and injured himself. Trial court made directed verdict against the workman. Appeals court reversed.

City of Waco v. Haynes, 562 S.W.2d 546 (Tex.App.Dist.10 2/16/1978)

Woman caught her heel in the crack of a sidewalk and was injured. Trial jury found for the woman and the appeals court affirmed.

Stefan v. White, 257 N.W.2d 206, 76 Mich. App. 654 (Mich.App. 07/07/1977)

Woman caught her heel on the metal strip on the door sill at the door while entering an open kitchen door. Summary judgment for defendant. Appeals court affirmed.

City of Newport News v. Anderson, 223 S.E.2d 869, 216 Va. 791 (Va. 04/23/1976)

Woman caught heel of her shoe in a hole in the sidewalk and fell. The trial court ruled for the woman, but the Virginia Supreme Court reversed, saying "the evidence here discloses nothing more than a defect so slight that it would not endanger travel in the ordinary modes by a person exercising reasonable care for his own safety."

Ryan v. City of Chicago, 329 N.E.2d 305, 28 Ill. App.3d 743 (Ill.App. Dist.1 5/5/1975)

A woman wearing high-heeled shoes fell when one heel got caught in tar that had been used to fill sidewalk cracks. The jury awarded \$62,000, which the appeals court affirmed.

Krengel v. Midwest Automatic Photo, Inc., 203 N.W.2d 841, 295 Minn. 200 (Minn. 1/12/1973)

Woman getting settled in photo booth and holding her daughter, caught her foot on a riser and she fell, breaking her ankle. Jury ruled for the woman, and the court reduced that by 30% for contributory negligence. Appeals court affirmed.

Cannamore v. Bi-State Development Agency, 484 S.W.2d 308 (Mo. 7/17/1972)

Cannamore v. Bi-State Development Agency, 469 S.W.2d 664 (Mo.App. 1971)

A woman fell getting off of a bus. She claimed to be wearing oxfords and that her heel got caught in the step; the bus driver claimed she was wearing strap sandals. The jury awarded \$9,000, which the trial court set aside. The appeals court ordered a new trial limited to liability only. Missouri Supreme Court reversed again (judgment for bus company).

McKnight v. Wire Properties, Inc., 288 A.2d 405 (D.C. 3/15/1972)

Woman fell down stairs after something caught her shoe heels and pitched her forward down the steps. Both heels were left in the grooves of the stair. They were described as “walking heels”. Trial court ruled for the woman, but the judge JNOV’d it. Appeals court affirmed.

Beck v. Dutra, 285 A.2d 732, 129 Vt. 615 (Vt. 12/7/1971)

Woman descending steps caught her heel on a step and fell. Decision in favor of the woman upheld by Vermont Supreme Court.

Corbett v. Heck, 174 N.W.2d 618, 20 Mich. App. 708 (12/10/1969)

While leaving a business, a woman caught her heel in the rubber entrance mat and broke her leg. Judgment for store upheld on appeal.

Dodge v. Church of the Transfiguration, 106 R.I. 342, 259 A.2d 843 (R.I. 12/10/1969)

On a dark night, woman heel left sidewalk and sunk into the soil. Directed verdict for the church reversed.

Smith v. Seven-Eleven, 430 S.W.2d 764 (Mo.App. 07/26/1968)

Woman leaving store caught her heel (“ordinary walking shoes”) on something and fell. Woman won at jury trial. Appeals court affirmed.

Naney v. Lane, 247 Or. 367, 428 P.2d 722 (Or. 06/14/1967)

Man caught his heel descending stairs. Trial court dismissed after presentation of the case; appeals court reversed.

Ellen Hill v. Hotel Pierre Corp., 284 N.Y.S.2d 403; 28 A.D.2d 1104 (N.Y.App.Div.1 11/02/1967)

A woman exiting a building through its revolving door caught her heel in a perforated metal and rubber mat, and was injured. The trial court ruled against the woman and the appeals court affirmed.

Levitt v. City of El Paso, 423 S.W.2d 402 (Tex. 12/6/1967)

Woman caught her heel in a sidewalk in El Paso. Trial court made directed verdict for the city. Appeals court affirmed.

Tolman v. Wieboldt Stores, Inc., 73 Ill. App.2d 320, 219 N.E.2d 560 (Ill.App. Dist.1 7/22/1966)

The heel of a woman's shoe got caught in the slats of an escalator and she was injured. The jury awarded her \$10,000. The appeals court reversed the award, and order judgment in favor of the store.

Todd v. Harr Inc., 69 Wash. 2d 166, 417 P.2d 945 (Wa. 08/25/1966)

Woman's heel got caught in the new carpet on a stairway at her apartment complex and fell. Jury trial awarded the woman \$12,500. Washington Supreme Court affirmed.

Olson v. Weingard, 77 Ill. App.2d 274, 222 N.E.2d 24 (Ill.App. Dist.3 12/09/1966)

Woman sustained a fall apparently by reason of catching the left heel of her shoe in a raveled carpeting tacked along a metal strip which projected above and along the west edge of a dance floor. Original judgment for the woman. Appeals court affirmed.

Vegodsky v. City of Tucson, 399 P.2d 723, 1 Ariz. App. 102 (Ariz.App.Div.2 3/5/1965)

A woman wearing pumps with moderately high heels fell into a hole at a street intersection and broke her knee. The jury found in favor of the city. The appeals court reversed, based upon an erroneous jury instruction.

Rowe v. City of Winona, 248 Miss. 411 (Miss. 01/13/1964)

Woman's shoe heel got caught in crack of sidewalk and came off, causing fall. Trial court made directed verdict for the city. Appeals court affirmed.

Draughn, et al. v. Lewis, 248 Miss. 834 (Miss. 03/09/1964)

Man caught his heel in piece of worn linoleum under a lunch counter, causing him to fall and injure himself. Original judgment for the man reversed.

J. C. Penney Co. v. Holmes, 378 S.W.2d 105 (Tex.App. 3/20/1964)

Woman caught her heel on a loose metal strip on stairs and fell. The trial court jury awarded the woman approximately \$6,000. The appeals court reversed.

Ryan et al. v. Hayes, 254 N.Y.S.2d 706; 22 A.D.2d 985 (N.Y.App.Dept.3 12/18/1964)

While avoiding a ladder, a woman's heel caught in the broken flagging of the sidewalk causing her to fall to the sidewalk and to bring down her companion with her. Jury found for the women. Appeals court affirmed.

Wendling v. Community Gas Co., Inc., 254 Iowa 1158, 120 N.W.2d 401 (Iowa 03/12/1963)

A woman caught her high heel in the loop of the signaling hose at a gas station and fell. Trial court ordered a directed verdict for the gas station. The Iowa Supreme Court affirmed.

Rothenberg v. Leevans Corporation, 155 So. 2d 839 (Fla. 07/16/63)

Woman tripped and fell when her heel got caught on the edge of a rug in a hotel. Summary judgment was awarded to the hotel. Appeals court reversed.

Conner v. Farmers and Merchants Bank, 243 S.C. 132, 132 S.E.2d 385 (S.C. 08/29/1963)

Elderly woman fell and injured herself when her heel was caught in a hole between the bricks in her floor. Judgment for the woman upheld.

Denton v. Park Hotel, 180 N.E.2d 70, 343 Mass. 524 (Ma. 2/5/1962)

Woman's heel got caught in the ring of a trap door on a dance floor, causing her to fall and sustain injuries. Judgment by trial court sustained.

Vollstedt v. Vista-St. Clair Inc., 227 Or. 199, 361 P.2d 657 (Or. 05/10/1961)

Woman slipped on terrazo walkway while wearing "shoes with extremely narrow heels." Jury decided against the woman (contributory negligence). Oregon Supreme Court affirmed.

City of Albany v. Humber, 113 S.E.2d 635, 101 Ga. App. 276 (Ga.App. 2/8/1960)

Woman's heel caught in a hole in a paved sidewalk and threw her to the ground. The woman won damages and the appeals court affirmed.

Daniel v. Morency, 156 Me. 355, 165 A.2d 64 (Me. 09/09/1960)

Woman caught her heel in a gas-filler cap embedded in a sidewalk. Judgment of trial court for woman reversed because of contributory negligence.

Williamsburg Shop, Inc. v. Weeks, 110 S.E.2d 189, 201 Va. 244 (Va. 09/03/1959)

As a woman descended the stairway of a store, she slipped off the landing while wearing 3¼ inch heels. During the fall the heel broke off the shoe. The jury awarded her \$5,500. Reversed by the Virginia Supreme Court.

Rudd v. Village of Bovey, 89 N.W.2d 689, 252 Minn. 151 (Minn. 4/11/1958)

Woman's heel struck the edge of a depression in a sidewalk and fell. Jury found for the woman (and her husband). Supreme Court affirmed.

Lapierre v. Greenwood, 85 R.I. 484, 133 A.2d 126 (R.I. 6/21/1957)

Woman caught her heel on a stair, fell, and broke her ankle. Judgment for the woman; appeals court affirmed.

Bell v. F. W. Woolworth Co., 316 S.W.2d 34, 44 Tenn. App. 587 (Tenn.App. 10/4/1957)

Woman got heel of her shoe caught on a step while going down it and fell. Judgment for the store was upheld.

Arvidson v. City of Elmhurst, 8 Ill. App.2d 183, 131 N.E.2d 112 (Ill.App. Dist.3 01/03/1956)

Woman wearing Cuban heel fell when heel was on higher slab of sidewalk and toe was on lower slab and she twisted her ankle. Appeals court reversed original ruling in favor of the woman.

Freedman v. Palmer Park Theater Company, 77 N.W.2d 108, 345 Mich. 657 (Mi. 5/14/1956)

Woman slipped, caught her heel on a space in carpeting, and fell in a restroom. Original judgment for the theater reversed.

Jones v. Hunter, 94 S.E.2d 384, 94 Ga. App. 316 (Ga.App. 9/5/1956)

A slick, slanted floor caused a woman to slip and have her heel get caught in a hole in the floor. Motion to dismiss (demurrer) denied, and appeals court affirmed.

Crowell-Gifford Furniture Company v. Cloutman, 276 S.W.2d 539 (Tex.Civ.App. 2/24/1955)

A woman wearing high-heeled (2-inch heels) black patent sandals got her heel caught on the tread of a stairway in a furniture store, and fell to the bottom of the stairs. The trial court awarded the woman \$14,250, which was affirmed by the appeals court.

Harper et al. v. American Nat. Bank & Trust Co., 249 S.W.2d 583, 193 Tenn. 617 (Tenn. 3/7/1952)

Woman caught her shoe with “high slender heels” on the metal strip on some stairs and fell. Trial Court held for the building owners; Appeals Court reversed. Supreme Court affirmed the original trial court decision.

Jutras v. Satters, Inc., 75 A.2d 712, 96 N.H. 300 (N.H. 10/3/1950)

Woman fell at store entrance while wearing high heels due to mismatched levels. Jury judgment for the woman. Appeals court affirmed, saying that wearing shoes with high heels did not constitute contributory negligence as a matter of law.

Hogg v. First National Bank of West Point, 62 S.E.2d 634, 82 Ga. App. 861 (Ga.App. 12/5/1950)

Man wearing hard leather heels slipped on newly waxed floor. The trial court jury ruled against the man and the appeals court affirmed.

Blumberg v. M. & T. Inc., 34 Cal. 2d 226, 209 P.2d 1 (Cal. 8/31/1949)

A woman slipped and fell in the lobby of an office building when one of her shoes with a medium spike heel got caught in the cross-hatch of the floor mat. Summary judgment for the building was reversed, since the role of the floor mat was a genuine issue of material fact.

Smith v. Chicago & N. W. Ry. Co., 18 N.W.2d 352, 246 Wis. 628 (Wis. 5/1/1945)

A woman wearing high-heeled sandals got her heels caught while getting off a train and fell. The jury awarded \$5,400, but the trial judge dismissed the case without award. The appeals court affirmed the trial judge.

Medbury v. Merrimack Street Garage, 20 A.2d 646, 91 N.H. 406 (N.H. 6/3/1941)

Man fell when his heel stuck on a rough surface of a car-repair garage. Jury found for the man; appeals court reversed.

Phillips v. Klepfer, 27 N.E.2d 340; 217 Ind. 237 (Ind. 5/29/1940)

A woman’s heel got caught at the entrance to the “Caterpillar” ride at a carnival. The trial court ruled for the woman. Appeals court reversed.

Lafreda v. Woodward, 15 A.2d 798, 125 N.J.L. 489 (N.J. 10/10/1940)

Woman fell on walkway in front of house after her heel got caught in one of the crevices of the walkway. Trial court dismissed the case; appeals court affirmed.

Swanson v. S. S. Kresge Co., 302 Ill. App. 455, 24 N.E.2d 62 (Ill.App.1 12/5/1939)

A woman caught her heel in the nosing of a stair at a department store and was injured. The trial jury awarded \$750, which the court of appeals affirmed.

Stewart v. George B. Peck Co., 234 Mo. App. 864, 135 S.W.2d 405 (Mo. App. 7/3/1939)

A woman descending the stairs at a department store caught her heel in the tread and fell. The jury awarded \$4,000, and the appeals court affirmed.

Millman v. United States Mortgage and Title Guaranty Co., 1 A.2d 265, 121 N.J.L. 28 (N.J. 08/31/1938)

Woman fell on a stairway when her heel got caught in the metal nosing of one of the steps. Trial court verdict for the woman was affirmed by the appeals court.

Dooley v. Economy Store, 109 Vt. 138, 194 A. 375 (Vt. 10/5/1937)

A woman in a department store caught the heel of her shoe on a stair-step and fell. The woman won at the trial court level. The appeals court reversed, and said that the store should have received a directed verdict.

Riley v. Pacific Outfitting Co., 185 Wash. 497, 55 P.2d 1058 (Wa. 03/27/1936)

Woman caught her heel on a linoleum step and fell. Jury awarded \$750. Appeals court reversed.

Headley v. Hammond Bldg., 33 P.2d 574, 97 Mont. 243 (Mont. 06/11/1934)

Woman's heel caught on one of the cleats that was part of a temporary plank sidewalk and she was injured. The trial court ruled against the woman, and the appeals court affirmed.

Pastrick v. S. S. Kresge Co., 192 N.E. 485, 288 Mass. 194 (Mass. 10/24/1934)

The toe of the sole of a woman's shoe caught on a stair step and she fell, injuring herself. The trial judge found for the defendant. Verdict affirmed.

Grigsby v. Morgan & Lindsey, 148 So. 506 (La.App. 6/5/1933)

A woman caught her heel in a hole in the floor, fell, and was injured. The trial court awarded the woman \$600. The appeals court upped that to \$1200.

Hellyer v. Sears, R. & Co., 62 App.D.C. 318, 67 F.2d 584 (D.C.App. 11/6/1933)

A woman fell down stairs at Sears when her heel caught in the metal flashing on the stairs and came off. The trial judge bound the jury to rule for Sears. The appeals court said that negligence was a question for the jury to decide.

Richter v. L. Bamberger & Co., 11 N.J.Mis.R. 229, 165 A. 289 (N.J. 3/25/1933)

A woman was injured on an escalator when the heel of the woman ahead of her got wedged in the escalator and traffic backed up. The trial judge found Bambergers negligent in its maintenance of the escalator. The court of appeals affirmed.

Hastings v. F. W. Woolworth Co., 189 Minn. 523, 250 N.W. 362 (Minn. 10/6/1933)

A woman was injured when the heel of her shoe caught in a small hole in the floor. The trial court directed a verdict for Woolworths. The Supreme Court reversed, and said it should have gone to the jury.

Shorkey v. Great Atlantic & P. Tea Co., 243 N.W. 257, 259 Mich. 450 (Mich. 06/23/1932)

Woman with high heels slipped and fell when her heel got caught in the holes of a hot-air register. Original trial verdict for the woman reversed.

Stark v. Franklin Simon & Co., 237 App.Div. 42, 260 N.Y.S. 691 (N.Y.App. 12/9/1932)

A woman fell after the heel of her French-heeled shoe caught between 2 metal strips of a staircase. The trial court ruled for the woman, but the appeals court reversed and ordered dismissal.

McBride v. The May Department Stores Co., 39 Ohio App. 420, 177 N.E. 773 (Cuyahoga Cty. Ohio 4/27/1931)

The May Department Stores Co. v. McBride, 124 Ohio St. 264, 178 N.E. 12 (Ohio 10/14/1931)

A woman's heel became wedged between the slats of an escalator, causing her to fall and be injured. The jury found for the department store. The appeals court reversed and remanded, saying that the wrong standard was given to the jury, and that the proper level of duty on an escalator is the highest degree of care (similar to a common carrier). The supreme court agreed with the appeals court.

Bohannon v. Leonard-Fitzpatrick-Mueller Stores Co., 197 N.C. 755, 150 S.E. 356 (N.C. 11/20/1929)

A woman caught her heel on the metal strip of a stairway (sticking up 1/16 of an inch) and was injured. The trial court and the appeals court ruled for the woman and awarded \$1000. The supreme court ruled that no negligence was shown, and reversed.

Leach v. S. S. Kresge Co., 147 A. 759 (R.I. 11/29/1929)

The heel of a woman's shoe got caught in the nosing of a stair, causing her to fall and get injured. The trial court directed a verdict for the store; the appeals court affirmed, saying there was no evidence of negligence.

Brindley v. Wells, 308 Mo. 1, 271 S.W. 48 (Mo. 11/13/1925)

A woman caught the heel of her shoe while alighting from a street car and injured herself. The trial court directed a verdict for the street car company. The supreme court reversed and remanded for a full trial.

Platform Shoes

Brown v. McDonald's Corp., 428 So. 2d 560 (La. App. 4 Cir. 1983)

Girl wearing high-heeled platform shoes slipped and fell in restaurant. Court ruled that she slipped on thin film of grease. Damages in the amount of \$18,020.95 were affirmed.

Johnson v. City of Chicago, 431 N.E.2d 1105, 103 Ill. App.3d 646 (Ill.App.1 1981)

Woman claimed she broke ankle stepping in hole in sidewalk; however, in hospital admittance form she said she fell off her platform shoes. Jury awarded her \$22,603. The court of appeals reversed and remanded.

Thompson v. Blum's, 139 Cal. App. 2d 140, 293 P.2d 82 (Cal.App.Dist.2 1956)

A woman wearing "platform sole" shoes with high heels tripped and fell on the uneven, bubbly floor of a store. The jury awarded a total of \$55,500, but the trial judge granted a motion for a new trial. The appeals court affirmed the order for a new trial.

Newell v. Arlington Hotel, 221 Ark. 215, 252 S.W.2d 611 (Ark. 11/17/1952)

A woman wearing "high heel platform sole shoes" tripped over a mat in a hotel. The jury found for the hotel, and the Supreme Court affirmed.

Flip-flops/Thongs

Estes v. Wal-Mart Stores, Inc., 800 So.2d 1018 (La.App.Cir.5 2001)

A man wearing flip-flops and standing on a wet mat in the fish department of Wal-Mart stepped off the mat, slipped, and fell. A jury trial found Wal-Mart not liable, which the court of appeals affirmed.

Frame v. Allen, No. 01AP-698 (Ohio App. Dist 10 2001)

A man wearing flip-flops slipped and fell on a concrete garage floor after walking across wet grass. Summary judgment for the homeowner was affirmed.

Klostermeier v. In & Out Mart, No. L-00-1204 (Ohio App. Dist.6 2001)

A woman wearing flip-flops got one caught in a quickly closing automatic door at a convenience store, and fell. The trial court granted summary judgment to the convenience store, and to the installer of the door. The appeals court affirmed summary judgment with respect to the convenience store, but reversed with respect to the installer.

Hagopian v. Publix Supermarkets, Inc., 788 So.2d 1088 (Fla.App. Dist.4 2001)

A woman wearing flip-flops was injured in a supermarket when a Sprite bottle exploded off a shelf and cut her foot. The main issue in the trial was spoliation of evidence, since the supermarket destroyed the bottle pieces, so they were unable to determine whether the supermarket or the bottler was negligent. The trial court directed a verdict that spoliation was irrelevant. The appeals court reversed that, which then required a new trial on all issues. (There was also a contention that the woman may have simply dropped the bottle on her foot, but without the bottle, there was no way to possibly determine that.)

Trebing v. Fleming Companies, Inc., No. M1999-00473-COA-R3-CV (Tenn.App. 2000)

A woman wearing flip-flops slipped on pooled rainwater at the exit of a supermarket. Summary judgment for the supermarket was affirmed.

Dufour v. E-Z Serve Convenience Stores Inc., 731 So.2d 915 (La.App.Cir.5 1999)

A man slipped in a puddle in a convenience floor while wearing flip-flops. The court of appeals affirmed the dismissal of his suit.

Hartley v. Macon Bacon Tune, Inc., 227 Ga.App. 679, 490 S.E.2d 403 (Ga.App. 1997)

Hartley v. Macon Bacon Tune, Inc., 234 Ga.App. 815, 507 S.E.2d 259 (Ga.App. 1998)

A man wearing flip-flops slipped and fell on a puddle of water and oil at a car repair garage. Summary judgment for the garage was affirmed by the appeals court. On remand from the Supreme Court, the judgment was reversed and remanded for a trial.

Grissette V. Thomas, 704 So.2d 1215 (La. App. 1 Cir. 1997)

A woman wearing flip-flops was slipped and fell on the concrete outside a gas station. A jury ruled against her; the appeals court affirmed.

Sherrell v. Food Lion, No. 01-A-01-9607-CV-00313 (Tenn.App. 1997)

A woman wearing flip-flops slipped on water on the floor of a supermarket. The jury found no negligence on the part of the woman; the appeals court affirmed.

Love v. The Waterbed Sleep Shoppe, 652 So. 2d 650 (La.App.Cir.1 1995)

A woman wearing flip-flops slipped on a wet floor while it was raining (the woman claimed to be wearing athletic shoes; other witnesses said otherwise). After a trial on the merits, the trial court dismissed the case, and the court of appeals affirmed.

Lindsey v. J. H. Harvey Co., 445 S.E.2d 810, 213 Ga. App. 659 (Ga.App. 1994)

A woman wearing flip-flops slipped and fell on the newly mopped floor of a store. Summary judgment for the store was affirmed, since the woman's ex-husband had warned her about the water earlier.

Carlson v. Board of Regents, 47 Ill. Ct. Cl. 171 (Ill.Ct.Cl. 1994)

A woman wearing rubber thongs slipped and fell on a wet area outside of a shower area in her college dormitory. She was awarded \$100,000.

Downen v. Sinclair Oil Corp., 887 P.2d 515 (Wyo. 1994)

A woman wearing shower thongs slipped and fell in a truck stop shower. Summary judgment for the truck stop was affirmed.

Curties v. Hill Top Developers Inc., 14 Cal. App. 4th 1651, 18 Cal. Rptr. 2d 445 (Cal.App.Dist.5 1993)

A man wearing rubber thongs slipped and fell on a dewy or frosty hill outside his apartment. The jury applied "implied assumption of the risk" and found for the apartment. The appeals court reversed and remanded.

Bergeron v. Southeastern La. Univ., 610 So.2d 986 (La.App.Cir.1 1992)

A student wearing flip-flops slipped and fell on water at the entrance to a dormitory. The trial court awarded \$35,000. The appeals court found the student 40% negligent for wearing the flip-flops (and other reasons) and reduced the award.

Borden v. Consumer Warehouse Foods, 601 So. 2d 976 (Ala. 1992)

A woman slipped and fell on the wet floor of a grocery store. She claimed to be wearing tennis shoes; store personnel claimed she was wearing flip-flops. Summary judgment for the store was reversed and remanded for a full fact-finding trial.

Durepo v. Adams, 958 F.2d 1242 (Me.Super. 1992)

A woman wearing flip-flops fell in a beauty salon, probably from putting on one between the wrong toes, and accidentally stepping on it with her other foot (although she disputed this and claimed the salon's furniture was too close together). The trial court entered judgment for the salon.

Stone v. K-Mart, No. 134 (Tenn.App. 1989)

A woman wearing flip-flops slipped and fell on a small wet spot at K-Mart. After the plaintiff presented her case, the trial judge directed a verdict for K-Mart. The appeals court affirmed.

Dulaney v. Jack-in-the-Box, Inc., No. C14-87-00594-CV (Tex.App. 1988)

A man wearing flip-flops slipped and fell in a restaurant on a rainy day. The jury awarded him nothing; the appeals court affirmed.

Conaway v. Roberts, 725 S.W.2d 377 (Tex.App.Dist.13 1987)

A woman wearing thongs on her riding mower may have had her foot slip off the brake, and ended up under the mower. This is a suit by the guy who rescued her, who was injured while doing so. In Texas, a rescuer injured by the negligence of the rescued can sue. The trial court dismissed the suit, but the appeals court reversed and remanded for a full trial.

Rodriguez v. Piggly Wiggly Southern, 363 S.E.2d 291, 185 Ga. App. 79 (Ga.App. 1987)

A woman wearing flip-flops slipped and fell on a rainy-wet supermarket floor. Summary judgment for the supermarket was reversed, as there were genuine issues of material fact to be determined.

Dean v. Terrebonne Parish Police, 510 So. 2d 82 (La.App.Cir.1 1987)

A woman wearing flip-flops slipped and fell coming out of a courthouse, possibly on wet tile. A safety expert testified that "her unstable footwear" was the probable cause of the fall. The jury awarded \$104,313.00 in damages, reduced by the finding that she was 22% negligent, but the trial judge then found no negligence by the Parish. The appeals court affirmed the judgment.

Cornforth v. Borman's, 148 Mich. App. 469, 385 N.W.2d 645 (Mich.App. 1986)

A woman wearing "rubber shower thongs" slipped and fell upon entering a grocery store on a rainy day. The jury found for the grocery store. The appeals court reversed and remanded based upon faulty jury instructions.

Bivalacqua v. Aube, 493 So. 2d 209 (La.App. 1986)

A woman falls down a back stairway of a house while wearing flip-flops (and was heard to say "these damn shoes"). The jury found the woman 85% negligent, and the homeowner 15% negligent, so the award was reduced accordingly. The appeals court affirmed the judgment, but increased the award slightly.

Mills v. Kemper Group Insurance, 498 So. 2d 1156 (La.App. 3 Cir. 1986)

A tipsy man wearing flip-flops went into the back room of a 7-11 and slipped on some rotten apples on the floor. In a jury trial, he was awarded \$1050, but was found 90% negligent, reducing the award to \$105. The appeals court affirmed.

Randall v. Feducia, 499 So.2d 458 (La.App. 2 Cir. 1986)

A woman wearing "thong sandals" fell on the curb outside her house. The city was found 50% negligent. The appeals court reversed, and ordered dismissal.

Wal-Mart Stores v. White, 476 So. 2d 614 (Ala. 1985)

A woman wearing flip-flops slipped and fell just inside the door of Wal-Mart on a rainy day. The trial court awarded her \$75,000. The Supreme Court reversed and directed a verdict for Wal-Mart.

Hustead v. Rose's Stores Inc., 74 N.C. App. 563, 328 S.E.2d 835 (N.C.App. 1985)

A woman, while trying on flip-flops at a store, was startled and fell over (because the flip-flops were tied together!). The trial judge granted summary judgment for the store; the appeals court reversed and ordered a jury trial, so that a jury could decide relative negligence of the woman and the store.

Smith v. Winn Dixie Stores of La., 389 So.2d 900 (La.App. 4 Cir. 1980)

A woman wearing “rubber thongs” slipped and fell on a rainy day when entering a supermarket. The trial court dismissed the suit; the appeals court affirmed.

Eddlestone v. Travelers Insurance Co., 230 So. 2d 463 (La.App.4 Cir. 1970)

A man wearing “rubber shower thong sandals” slipped in the rain while hurrying to enter a grocery store. The trial judge dismissed the case; the appeals court affirmed.

Coleman et ux. v. DeMoss, 246 N.E.2d 483, 144 Ind. App. 408 (Ind.App. 1969)

A woman, wearing flip-flops and with her arms full, fell and was injured at a ditch on rental property, and was awarded \$15,000. Judgment affirmed.

Collins v. Kienow’s Food Stores, 251 Or. 16, 444 P.2d 546 (Ore. 1968)

A woman wearing “rubber thongs” slipped and fell at the wet entrance of a grocery store. The trial court dismissed the suit; the appeals court reversed and remanded for a full trial.

Courtney v. City of Ferguson, 401 S.W.2d 172 (Mo.App. 1966)

A woman wearing rubber thongs fell and injured herself when they became stuck in soft tar in the roadway. The woman was awarded \$6,300, which was affirmed by the appeals court.

The Country Club of Coral Gables v. McHale, 188 So. 2d 405 (Fla.App.Dist.3 1966)

A woman wearing “rubber thongs” slipped and fell on a wet spot as she was passing a dance-floor area near a pool. A jury awarded a total of \$3500, which was affirmed by the appeals court.

Sandals (non flip-flop)

Blain v. Cigna Corporation, 2003-Ohio-4022 (Ohio App. Dist.10 2003)

A woman caught the tip of her sandal on an uneven sidewalk of a shopping center. Summary judgment for the shopping center was affirmed.

Mazurek v. Home Depot U.S.A., Inc., 303 A.D.2d 960, 757 N.Y.S.2d 425 (N.Y. App. 2003)

A woman wearing sandals slipped in a puddle at a Home Depot. The jury awarded \$129,170.85. The appeals court reversed, instructing the trial court to examine whether the puddle was an open and obvious hazard.

Crichfield v. Grand Wailea Company, 93 Haw. 477, 6 P.3d 349 (Haw. 2000)

A woman slipped and fell on the grass of a resort while taking off her sandals. Summary judgment for the resort was reversed and remanded (as there were issues of material fact).

Wal-Mart Stores, Inc. v. Garcia, 30 S.W.3d 19, 30 S.W.3d 19 (Tex.App. 2000)

A woman wearing sandals slipped and fell when she fell on a jalapeño. She was awarded \$75,000, which the appeals court affirmed.

Oliva v. Winn-Dixie Louisiana, Inc., 756 So.2d 444 (La.App. 2000)

A woman wearing “sponge sandals” slipped on a wet spot in a grocery store. Summary judgment for the grocery store was affirmed.

Wiegman v. Hitch-Inn Post of Libertyville, Inc., 308 Ill.App.3d 789, 721 N.E.2d 614, 242 Ill.Dec. 335 (Ill.App. 1999)

A woman wearing leather-soled sandals slipped and fell on wet tile at the bottom of stairs leading to a pool/sauna area. The jury awarded \$65,525, reduced to \$52,500 based on the woman's contributory negligence. The appeals court affirmed.

Boyer v. Circle K Corp., No. 38298-5-I (Wash.App.Div.1 1997)

A woman in a store fell after her sandal caught on something. Summary judgment for the store was reversed and remanded.

Tanner v. Brookshire Grocery Company, No. 29276-CA (La.App.2 Cir. 1997)

A woman wearing leather-soled sandals slipped on a brown liquid on the floor of a grocery store. The trial court ruled for the grocery store; the appeals court affirmed.

Lachico v. First National Bank Shares, No. 95-CA-2124 (La.App.1 Cir. 1996)

A woman wearing wooden-soled sandals slipped and fell on the wet floor of a bank. The trial court awarded \$30,000. The appeals court affirmed.

Edwards v. K & B Incorporated, Inc., 641 So. 2d 1040 (La. App. 2 Cir. 1994)

A woman wearing sandals had the shelf of a drug store collapse and drop a jewelry box onto the top of her foot. The trial court awarded \$7,700. The appeals court affirmed.

Daugherty v. Cross Marine, Inc., 598 So. 2d 595 (La. App. 4 Cir. 1992)

A deckhand, while wearing "a type of sandals", fell on a soapy deck and broke his arm. The case was about whether he was a "seaman" at the time, and which set of laws applied to his injury. However, the vessel owner also contended that he was partially blame for the accident for wearing those sandals. The trial court awarded the deckhand \$90,000 and lost wages. The appeals court affirmed, but reduced the amount of lost wages.

Heeg v. Jewel Companies, 596 N.E.2d 765, 232 Ill.App. 3d 75, 173 Ill.Dec. 141 (Ill.App. Dist.1 1992)

A woman wearing sandals slipped and fell on green onion peels in a grocery store. The jury awarded \$90,000 but the trial judge vacated the award. The appeals court reversed and reinstated the award.

Hobson v. Kroger Company, 419 S.E.2d 492, 204 Ga. App. 417 (Ga.App. 1992)

A five-year-old boy wearing sandals slipped on the wet floor where a Kroger employee was cleaning up a broken Sprite bottle. Summary judgment for Kroger was affirmed.

Crandell v. Winn-Dixie Louisiana, Inc., 580 So. 2d 967 (La. App. 5 Cir. 1991)

A woman wearing open-backed sandals slipped in a grocery store on a rainy day. The trial court dismissed her suit; the appeals court affirmed.

Wheat v. State Farm, 583 So. 2d 1 (La. App. 1 Cir. 1991)

A woman wearing sandals fell down some dilapidated concrete steps and was injured. After a confused verdict from the jury, the trial judge awarded \$49,975.26, reduced by half due to

contributory negligence. The appeals court affirmed, but modified the award to \$79,975.26, still reduced by half.

This opinion also has a fine quote on contributory negligence: Contributory negligence is conduct on the part of the plaintiff which falls below the standard to which he should conform for his own protection. . . . The standard of conduct to which the plaintiff must conform for his own protection is that of a reasonable man under the circumstances.

Jones v. Tsoukalas, No. 88C-AU-26 (Del.Supr. 1990)

A woman wearing leather-soled thongs (sandals) slipped and fell on a wet ramp leading to a restaurant. Motion for summary judgment denied, as there were issues of material fact regarding the condition of the ramp.

Weldon v. Hawkins, 539 N.E.2d 229, 183 Ill. App. 3d 525 (Ill.App. 1989)

A woman wearing open-toed sandals with a crepe sole tripped on some overgrown weeds, fell, and broke her ankle. The trial court directed a verdict for her landlord; the appeals court reversed.

Holguin v. Smith's Food King Properties Inc., 105 N.M. 737, 737 P.2d 96 (N.M.App. 1987)

A woman wearing sandals with rubber soles (flip-flops?) slipped and fell on the newly waxed floor of a grocery store. Summary judgment for the store was affirmed.

Santini v. Consolidated Rail, 505 N.E.2d 832 (Ind.App. 1987)

An 11-year old girl wearing sandals got a sandal caught in the third rail at a railroad crossing and was killed by a train. The jury found no liability by the defendants, and the appeals court affirmed.

Atkinson v. Kirchoff Enterprises, 351 S.E.2d 477, 181 Ga. App. 139 (Ga.App. 1986)

A woman wearing open-toed sandals had them punctured by a sharp object amongst construction debris at a store, which caused her to fall and be injured. Summary judgment for the store was reversed.

Bordelon v. Southern Louisiana Health, 467 So. 2d 167 (La.App. 3 Cir. 1985)

A woman wearing Dr. Scholl's exercise sandals slipped and fell on a wet, newly hosed ramp for a hospital emergency room. The trial court awarded \$26,000, but reduced it by half due to contributory negligence. The appeals court upheld the award, but reversed the finding of contributory negligence.

Bell v. Westinghouse Electric, 483 A.2d 324 (D.C.App. 1984)

A woman wearing sandals on an escalator (of the DC Metro) had her heel get stuck. When it broke off, she fell all the way down the escalator. She won \$65,000 from a jury, only to have the trial judge order a new trial. The appeals court reversed that, allowing the original award to stand.

Robinson v. Safeway Stores, 655 S.W.2d 617 (Mo.App. 1983)

A woman wearing "rubber-soled sandals" slipped just inside the door of a grocery store while it was raining. The jury awarded \$140,000, but the trial judge ordered a new trial. The appeals court reversed on the new trial, and reinstated the original award.

Buckel v. Maison Blanche Corporation, 379 So. 2d 849 (La.App.4 Cir. 1980)

A woman wearing sandals was injured on an escalator (there is some dispute about whether the escalator grabbed the sandal, or whether the sandal just broke). The trial court dismissed the suit, and the appeals court affirmed.

Friedrich v. Department of Transportation, 586 P.2d 1037, 60 Haw. 32 (Haw. 1978)

A man wearing sandals with rubber soles (also called “slippers” in the opinion, which suggests that they may have been flip-flops), slipped in a puddle of water at the edge of a pier, and fell into the water, breaking his neck. The trial court ruled for the state (owner of the pier). The supreme court affirmed.

Repaskey v. Chicago Transit Auth., 9 Ill. App.3d 897, 293 N.E.2d 440 (Ill.App. Dist.1 1973)

A woman got her sandal caught in an escalator of the CTA. The trial court dismissed her case (as filed without providing formal notice to the CTA in a timely fashion). The appeals court affirmed.

Daben Realty Co. v. Stewart, 290 N.E.2d 809, 155 Ind. App. 39 (Ind.App. 1972)

A woman wearing sandals with 1-inch tapered heels slipped and fell on an overly-waxed floor. The jury awarded \$47,000. The appeals court affirmed.

Family Dollar Stores v. Brown, 181 S.E.2d 100, 123 Ga. App. 359 (Ga.App. 1971)

A woman wearing sandals with a “small” heel tripped on an uneven spot on a store entrance ramp. The trial court did not grant the store summary judgment; the appeals court reversed, and granted the store summary judgment.

Friend v. Gem International, 476 S.W.2d 134 (Mo.App. 1971)

A woman wearing leather-soled sandals walked through a puddle from an air-conditioner, and then slipped and fell. The trial court awarded \$6,000. The appeals court affirmed.

Torrence v. Sacred Heart Hospital, 251 So. 2d 899 (Fla.App.Dist.1 1971)

A woman wearing low-heel sandals slipped and fell on a newly-waxed hospital floor. Summary judgment for the hospital was reversed.

Hiner v. Hubbard, 240 Cal. App. 2d 63, 49 Cal. Rptr. 157 (Cal.App.Dist.1 1966)

A woman wearing sandals caught the lip of the sandals under the matting of a stairway and fell. The defendant (her landlords) claimed contributory negligence for the looseness of the sandals. The jury ruled against her. The appeals court affirmed.

Chambers v. City and County of Honolulu, 406 P.2d 380, 48 Haw. 539 (Haw. 1965)

A woman wearing low-heeled sandals fell in a hole in the pavement. The woman was awarded \$15,000, which the supreme court affirmed.

Overby v. Union Laundry Co., 100 A.2d 205, 28 N.J.Super. 100 (N.J.Super.App.Div. 1953)

A woman wearing “barefoot sandals” (no socks) slipped and fell on the heavily-waxed floor of a laundry. Summary judgment for the laundry was affirmed. [The “barefoot sandals” were defined as “a leather sole with one strap between [the] first and second toe, and strap across [the] heel and over [the] instep.”]

Other Shoes

In re Tiefenbacher, No. A-5218-07T1 (N.J.Super.App.Div. 10/09/2009)

Man stepped on a piece of metal that punctured his foot while walking up a stairway. It resulted in cellulitis of the lower extremity, sepsis, and venous insufficiency. Board ruled him eligible for ordinary disability benefits, but not disability retirement. Appeals court affirmed.

Faust v. Workers' Compensation Appeal Board, No. 1689 C.D. 2008 (Pa.Commw. 01/28/2009)

During the course of his employment as a carpet installer, man stepped on a nail and sustained a puncture wound to his right foot. Man awarded some workman's comp, but this lawsuit was about his ability to return to work. Workman's Compensation Judge said man could return to work. Court affirmed.

Tudor v. Ford, Sr., 242 Ga.App. 573, 530 S.E.2d 474 (Ga.App. 03/02/2000)

Man stepped on a finishing nail sticking out of a piece of fascia board, partially covered by grass. He was wearing work boots with an inch to inch and a half soles. Trial court denied summary judgment; appeals court reversed.

Hudak v. Valleyaire Golf Club, Inc., Median App. No. 3010-M (Medina Cty., Ohio, 11/22/2000)

Man wearing golf shoes with spikes slipped and fell on smooth tile at golf club restaurant. Summary judgment for the golf club was affirmed.

East Arkansas Area Agency on Aging v. Marshall, No. CA 99-1072 (Ark.App. 04/12/2000)

Diabetic nurse's aid stepped on a screw so it was sticking through the sole of her shoe. She got a bone infection from it. Worker's Comp. said she was entitled to compensation. Court of appeals affirmed.

Krause v. Albrecht Grocery Store, Cuyahoga App. No. 74468 (Cuyahoga Cty., Ohio, 7/1/1999)

A woman fell in a parking lot when her shoe got caught in a hole there. Summary judgment for the store was affirmed.

Martin v. Olsten Industrial Serv., 718 So.2d 404 (La. 09/18/1998)

Workman had a metal wire puncture his big toe, which ultimately resulted in infection and amputation of his toe. Man awarded workman's comp. Louisiana Supreme Court reversed.

Buffington v. Harbor Properties Inc., No. 38534-8-I (Wash.App.Div.1 10/13/1997)

A woman slipped and fell while walking down a ramp at a mall restaurant. The restaurant blamed the fall on slippery shoes, "people do, sometimes, wear slippery-soled shoes". Summary judgment for the restaurant was reversed, since there was some evidence that there was grease on the ramp.

H & A Electric v. Bickling, C.A. No. 94A-09-005 (Del.Sup.Ct. 08/24/1995)

Electrician stepped on wallboard screw when descending a ladder. The injury ulcerated mainly due to diabetic neuropathy. Industrial Board ruled the man's company was not entitled to reimbursement from the state fund. Appeals court affirmed.

Jenkins v. Dominick's Finer Foods, 681 N.E.2d 129, 288 Ill. App. 3d 827, 224 Ill. Dec. 147 (Ill.App.Dist.1 06/10/1997)

Truck driver stepped on some shrink wrap that was hiding a board with two nails in it. The nails penetrated his shoe and caused an infection. The driver lost in a jury trial. The appeals court affirmed.

Wilman Alexander v. Pellerin Marble & Granite, 630 So. 2d 706 (La. 01/14/1994)

Man working at a cemetery breaking concrete slipped on broken concrete. The piece of concrete had a piece of reinforcement wire protruding from it. The wire went through the man's right shoe and into his foot. Disability benefits were denied. Supreme Court of Louisiana reversed.

Orlando Regional Medical Center v. Chmielewski, 573 So. 2d 876 (Fla.App.Dist.5 12/6/1990)

A man stepped on an anchor bolt in his shed, which pierced his rubber-soled shoes. This is a malpractice suit, since the emergency room doctor failed to discover that a piece of the rubber sole remained embedded in his foot, and subsequent infection ate away at the bone in his foot. The award for malpractice was affirmed by the appeals court.

Roberts v. Nashville, 958 F.2d 1242 (Tenn.App. 10/13/1989)

A woman wearing open-toed canvas shoes was walking on a city dock with many splinters when one of the splinters got caught between the sole of the shoe and her foot, causing her to fall (the splinter did not penetrate her foot). She and her husband were awarded \$50,000, which was affirmed by the appeals court.

Collier v. Necaize, 522 So. 2d 275 (Ala. 3/11/1988)

After a hurricane, a 9-year old boy wearing tennis shoes stepped on a nail protruding from a board, and his foot got infected. Summary judgment for the property owner was affirmed.

Maddox v. Friday's Inc., 82 N.C. App. 145, 345 S.E.2d 690 (N.C.App. 7/15/1986)

A woman dancing in a restaurant/bar stepped on a broken glass and cut her foot near the strap of her shoe. Summary judgment for the restaurant was reversed and remanded for trial.

Hunt v. City Stores, 387 So.2d 585 (La. 6/23/1980)

A 12-year-old boy got his sneaker stuck in an escalator. The jury found for the boy, but the appeal was in regard to the liability of the manufacturer. The Supreme Court ruled that case against the manufacturer should not have been dismissed.

Pumo v. Foltyniewicz, 82 Ill. App.3d 178, 402 N.E.2d 900 (Ill.App. Dist.1 3/26/1980)

A woman wearing "beach clogs" fell outside a store. (The woman denies that they were beach clogs; the defendant describes the shoes as "no straps at the heels and only a strap or two over the toe.") The jury ruled for the store. The appeals court affirmed.

Runnells v. Rogers, 596 S.W.2d 87 (Tenn. 02/19/1980)

Man, while operating his power lawnmower, ran over a piece of wire throwing it into his foot, resulting in a puncture wound, with the wire being imbedded in the foot. Medical malpractice suit. Jury awarded \$1,200. Appeals court reversed. Tennessee Supreme Court affirmed the appeals court.

Bearce v. Bowers, 587 S.W.2d 217 (Tex.App.Dist.2 09/20/1979)

Man injured his foot when he stepped on a steel reinforcing rod at work. The rod pierced his boot and foot. It was later shown that the puncture had embedded microscopic particles or foreign matter in his foot. He sued his doctor for malpractice in the treatment of the foot. Trial judge granted doctor's motion to dismiss. Appeals court affirmed.

Parker v. Provident Life and Accident Insurance Co., 582 S.W.2d 380 (Tenn. 06/11/1979)

Man accidentally stepped upon a nail that penetrated his shoe causing a puncture wound of his foot and eventually the amputation of his leg after gangrene developed from the wound. His insurance company claimed that recovery for that injury was excluded from his policy. Trial court ruled for the man; appeals court reversed. Tennessee Supreme Court reversed the appeals court.

Vance v. Miller-Taylor Shoe Co., 251 S.E.2d 52, 147 Ga. App. 812 (Ga.App. 10/30/1978)

A man sued a shoe store for selling him a shoe with slippery heels (metal plate on heel), causing him to fall. Summary judgment for the shoe store was affirmed.

Brice v. Union Electric, 550 S.W.2d 629 (Mo.App. 04/26/1977)

Man working in the pipe yard of Union Electric, looking for material to load on a truck, sustained injuries as a result of stepping on a 2-1/2 to 3 inch nail, which punctured his foot. Jury awarded \$3,780 but trial court JNOV'd. Appeals court reversed.

Prophet v. S. H. Kress Co., 470 P.2d 487, 12 Ariz. App. 339 (Ariz.App.Div.1 6/10/1970)

A woman wearing loafers slipped and fell at a store. The jury found for the defendants. The appeals court reversed: "Most shoes can, to some degree, contribute to the fall of a person on a slippery floor as was indicated herein, but this does not mean that a person must walk barefoot to be free from contributory negligence in a slip and fall case."

Beauchamp v. Los Gatos Golf Course, 273 Cal. App. 2d 20, 77 Cal. Rptr. 914 (Cal.App.Dist.1 5/16/1969)

A woman wearing golf shoes with half-worn spikes slipped and fell on a cement veranda at a golf course. At the trial level, a motion for nonsuit was granted. The court of appeals reversed, saying that there were sufficient issues of material fact for a full trial.

Suhr v. Sears Roebuck Co., 152 Mont. 344, 450 P.2d 87 (Mont. 02/05/1969)

Man stepped on a nail protruding from a board located in a storeroom on the premises of Sears Roebuck and Company. Jury awarded \$3,500. Montana Supreme Court affirmed.

Braun v. Industrial Commission, 153 N.W.2d 81, 36 Wis. 2d 48 (Wis. 10/03/1967)

Maintenance man stepped on a one-inch long roofing nail, which got infected, partially due to diabetes. Industrial Commission awarded workman's compensation. Supreme Court of Wisconsin reversed.

Brittain v. Cubbon, 190 Kan. 641, 378 P.2d 141 (Kan. 1/26/1963)

A 10-year old boy playing at a demolition site stepped on a board containing a nail which pierced his shoe, eventually leading to tetanus. The trial court refused to dismiss the case, and the supreme court affirmed.

Miller v. Desilu Productions Inc., 204 Cal. App. 2d 160, 22 Cal. Rptr. 36 (Cal.App.Dist.2 5/28/1962)

Man stepped on a nail that punctured his shoe. Trial court dismissed the case (as open and obvious); appeals court agreed.

Perion v. United Fruit Co., 226 Md. 591, 174 A.2d 777 (Md.App. 11/08/1961)

Seaman slipped on the floor-plates in the passageway between the fire-room and engine room of a ship due to the presence of oil and water on the floor-plates, and as a result caught the toe of his left shoe in a two-inch space between a vertical condensate pipe and the bulkhead (or wall of the passageway) on his left, causing him to strike his knee hard against the pipe and resulting in the injury. Jury verdict for the ship. Appeals court reversed.

Steen v. Wolff, 109 N.W.2d 452, 14 Wis. 2d 68 (Wis. 6/6/1961)

A woman fell when the strap of her shoe caught on a protruding prong of a metal grate in front of a coffee shop. Summary judgment for the shop was affirmed.

Hummel v. City of Grand Rapids, 30 N.W.2d 372, 319 Mich. 616 (Mich. 01/05/1948)

Woman was injured when she stubbed her toe on a lifted slab of a sidewalk. Trial court found for the city. Affirmed by Michigan Supreme Court.

Kopka v. The Bell Telephone Company of Pennsylvania, 91 A.2d 232, 371 Pa. 444 (Pa. 6/24/1952)

A man was injured when he stepped into a hole dug onto his property without his permission. While falling, his shoe was pierced by a briar, puncturing his foot. The jury awarded \$11,000, which the supreme court reduced to \$7,000.

Tiddy v. City of Butte, 65 P.2d 605, 104 Mont. 202 (Mont. 03/01/1937)

Man stumbled on broken up sidewalk, stubbing his toe on a rough spot. Man awarded \$3,000. Supreme Court of Montana affirmed.

Harsha v. Renfro Drug Co., 77 S.W.2d 584 (Tex.Civ.App. 11/15/1934)

A woman slipped and fell in a drug store. The jury established that she was negligent in wearing shoes with worn down heels on one side and that those shoes contributed to the accident. Verdict for the drug store was affirmed.

Theodore v. J. G. McCrory Co., 17 La. App. 684, 137 So. 352 (La.App. 11/3/1931)

A man wearing a shoe with a hole at the ball stepped on a splintering wooden floor and got a splinter requiring medical attention. The trial court awarded him \$150. The appeals court affirmed.

Pittenger v. Town of Hamilton, 85 Wis. 356, 55 N.W. 423 (Wis. 5/23/1893)

A girl stepped on an old, rusty nail protruding from a boardwalk. The nail penetrated her shoe and she died 15 days later (tetanus?). The Town was held liable; the supreme court affirmed.