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\$10 Million Verdict for Customer Injured In South Carolina Discount Department Store

Small failures to follow policies can lead to BIG problems

A jury in Florence, South Carolina recently awarded \$10 million to a customer who was injured in a large discount department store when she allegedly stepped on a rusty nail while shopping. The customer's foot was punctured by the nail, and this led to an infection, amputation of customer's toe, then the front of her foot, and ultimately her right leg above the knee.

The customer claimed that the store was negligent in failing to perform regular safety sweeps that were required by the store's internal policies. The store contended that the safety sweeps had taken place, questioned whether the customer was actually injured in the store, and claimed that the customer's other health conditions which included diabetes and circulatory problems, worsened the effect of the infection on the customer.

The jury disagreed with the store.

We suggest several lessons to be learned from this verdict.

1. Even a small failure to follow policies can lead to big problems.
2. It is as important for an organization to document the performance of its safety procedures as it is to have the procedures in place.
3. The law says that an organization must take an injured customer as it finds her. In other words, the fact that a customer may have pre-existing conditions that make the outcome of an injury worse than it would be for a healthier customer is not a defense in a negligence case. A defendant must take the plaintiff as it finds her, and may be liable for large damages for what appears at first blush to be a minor mistake or injury.

We recommend that reasonable safety policies should be implemented, executed, and documented for the safety of customers, and as an effective tool for risk reduction for any organization similar to the unfortunate defendant.

Roe Cassidy lawyers have helped clients navigate complex litigation issues. If you would like to know more about how employee training and safety policies may affect you or your organization, please contact [Clark Price](#), or visit our [website](#).

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