

PREMISES LIABILITY

BROWARD CIRCUIT COURT

Judge awards restaurant patron for fall

A restaurant patron was awarded \$35,000 for an ankle fracture sustained after tripping on a wooden deck.

In 2009, Donna Ondrusko, then 59, paid her bill at Tarks of Dania Beach but tripped when she returned to leave a tip. She claimed the deck was not flush with the ground due to harsh weather exposure and the restaurant's failure to properly maintain it. She suffered a small fracture of the left ankle, resulting in 6 percent impairment.

Tarks failed to respond to the complaint, and the court entered a default judgment against the defendant.

Case: Ondrusko v. Tarks

Case No.: 10-013831 (03)

Plaintiff lawyer: Hugo Alvarez, Alvarez & Barbara, Miami

Defense lawyer: None reported