

CLANCY & DIAZ, LLP
PERSONAL INJURY ATTORNEYS

Slip & Fall Hazards During Holiday Shopping

People throughout the East Bay will visit supermarkets and shopping malls to buy gifts and items for holiday meals. But the holiday rush also brings the risk of injury.

This is the time of year when stores everywhere are busy as people get ready for the holidays. But it's also when some stores may overlook safety hazards that can leave their customers hurt.

Slip and fall accidents can happen in department stores, supermarkets, big box stores, clothing stores, toy stores, bookstores, liquor stores, bakeries, and small shops. They can also happen in parking lots, food courts, entryways, stairs, and escalators.

Slip & Fall Hazards in Stores

- Spilled liquids on floors
- Recently waxed or polished floors
- Torn carpets or broken floor tiles
- Loose wires or extension cords
- Objects left on the floor
- Poor lighting
- Damaged stairs or missing handrails
- Wet, cracked, or uneven pavement in parking lots

The stores' owners and managers are responsible for keeping their premises safe for shoppers. This responsibility includes regularly inspecting stores for potential hazards, promptly making necessary repairs, and warning customers about known slip and fall hazards.

When this responsibility is not met, there is a high risk of a slip and fall accident that leaves people hurt.

These accidents often result in head, neck, back, shoulder, knee, or hip injuries.

They can also cause concussions and other traumatic brain injuries. As a result, slip and fall victims are left in pain and need medical treatment, which may involve surgery.

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What Can You Do When An Accident Report Has Errors?

When something isn't right in your official accident report, it may be a problem when you file a claim for financial compensation.



You were in a car accident in the Bay Area, and the police responded. They completed a Traffic Collision Report (CHP 555) that included important information about what happened and who was involved. You should get a copy of this report as soon as possible and review it to ensure all information is correct.

But what happens if you find an error in the report? You may be able to make changes, but it's important to act quickly.

Types of errors seen in accident reports include:

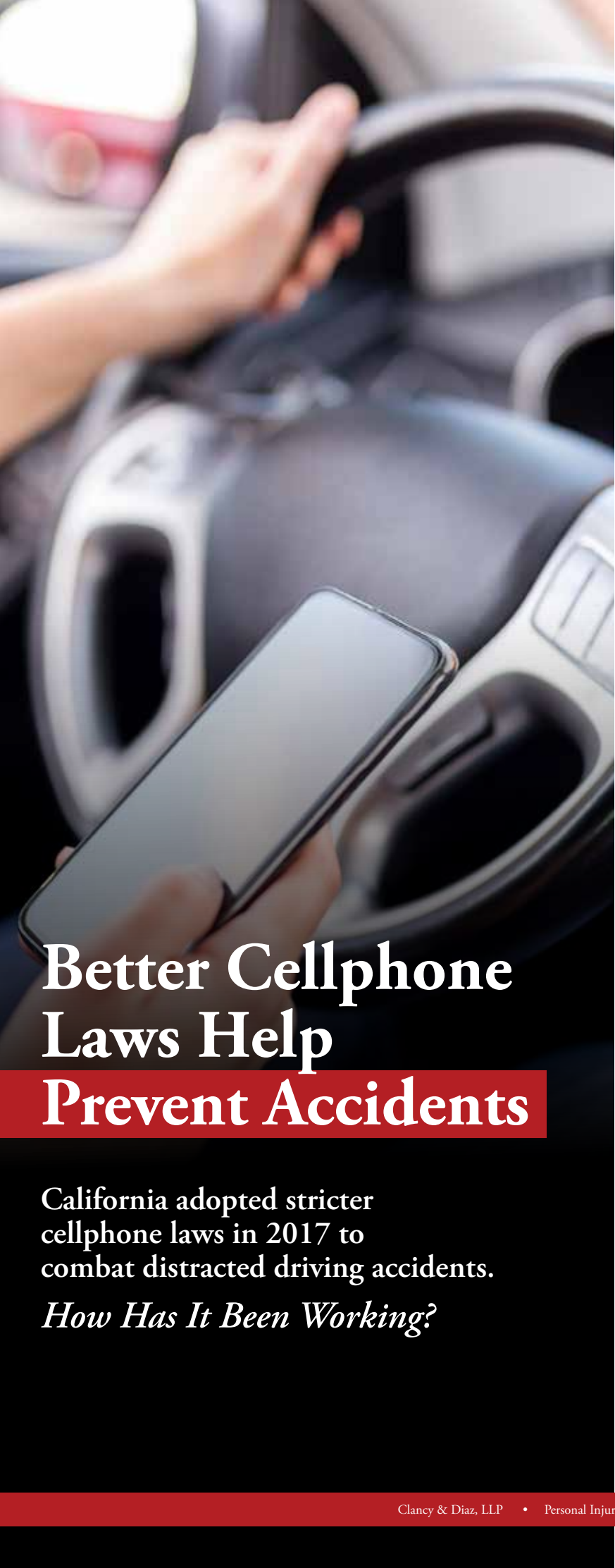
- **Factual errors** - These can include the wrong street name or insurance company, or even incorrect vehicle information.
- **Transcription errors** - Police may misread notes they took at the scene. For example, you know you were going 35 mph, but the report says 55 mph.
- **Missing information** - Something you told the officer was left out of the report, such as the fact that you were experiencing pain.
- **Disputed information** - For example, the other driver says you didn't stop at a stop sign, even though you did.

Why is this a big deal? Insurance companies are always looking for ways to justify paying you less. So if there's a way to use an error on an accident report against you, they'll do it. That's why it's important to take quick action. Here's what you can do:

- **Contact the police department that responded.** Ask to speak to the officer that filled out the report.
- **Be polite.** It's totally understandable if you're upset about the error you found, but it's best to be courteous.
- **Explain the error you found.** Then, ask if anything can be done.
- **Have documentation.** Be ready to provide the correct information.

The officer may agree to add an addendum to the report with the correct information. If the error involves disputed information, you may be able to add a statement to the report.

The best thing you can do if you discover an error in your accident report is get legal advice from an experienced car accident attorney. If you were hurt in the Bay area, call Clancy & Diaz for a free consultation.



Better Cellphone Laws Help Prevent Accidents

California adopted stricter
cellphone laws in 2017 to
combat distracted driving accidents.

How Has It Been Working?

The dangers of texting and driving are well-known, and there are laws in every state banning this behavior. But cellphones can also be used to take photos, give directions, browse the Internet, play games, track your diet, make payments, trade stocks, and check social media.

In 2017, three states - California, Oregon, and Washington - broadened their cellphone laws to address these other uses. Researchers at the Insurance Institute for Highway Safety recently examined crash rates in these states since these laws were passed. How did this approach work?

"It's complicated," said Ian Reagan, a senior research scientist at IIHS.

Reagan and other researchers examined monthly crash rates from 2015 to 2019 to see the effect of the laws on police-reported rear-end crashes, which often involve cellphone use.

Monthly crash rates per 100,000 people dropped significantly in Oregon and Washington. But they remained essentially flat in California.

Reagan says that may have to do with how the laws were worded.

Both Oregon and Washington banned holding a cellphone while driving and made it clear this ban applies to times when the vehicle is stopped in traffic or for any other reason.

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“Technology is moving much faster than the laws. One solution may be to make them broader, rather than trying to come up with an exhaustive list of banned behaviors.”

– Ian Reagan, IIHS Senior Research Scientist

California law bans the “holding and using” of a cellphone while driving. But this leaves the possibility that a driver would not consider it a violation to simply hold their phone or pick it up from the seat to attach it to a dashboard mount. In addition, the law does not state if the ban applies when a vehicle is stopped.

“The mixed results suggest that broader cellphone laws can work, but the specific wording and other factors like the severity of the penalties seem to make a difference,” Reagan said.

If you were injured in a car accident with a driver who was using a cellphone, it’s important to have experienced legal representation on your side. Clancy & Diaz fight for the injured in the Bay Area.

CLANCY & DIAZ, LLP

PERSONAL INJURY ATTORNEYS

3000 Citrus Circle, Suite 215
Walnut Creek, CA 94598

(925) 835-7500

2006 A Street, Suite 223
Antioch, CA 94509

(925) 667-3659

420 Railroad Avenue, Suite 210
Pittsburg, CA 94565

(925) 568-8707



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What to do if you are in a slip and fall accident:

- Get medical attention as soon as possible. A doctor can diagnose, treat, and document your injuries.
- Report your injury. Tell the store supervisor or manager you were hurt in a slip and fall accident. Just stick to the facts.
- Gather information. Take pictures of the accident scene. Ask witnesses for their contact information.
- Contact a lawyer. You may be able to recover financial compensation for medical expenses, lost wages, and other damages.

At Clancy & Diaz, we know that an injury from a slip and fall accident is the last thing you want to deal with during the holidays. We are ready to help. One of our experienced lawyers can discuss your legal options during a free consultation.

Give us a call today for a free consultation.