

What Duties are Owed by Property Owners in Virginia?

Whenever you leave your home, it's probably with the assumption that you will be relatively safe and that you won't expose your loved ones to harm upon your return. No one plans on tripping over a pile of debris, for example, or walking through their front door covered in asbestos fibers.

These and other scenarios are fairly common, however, and they happen around the United States every single day. Fortunately, for those who get hurt or fall ill through the fault of another, there are precedents that allow them to sue for damages.

If you sustained serious injuries because someone else was negligent, a seasoned attorney can determine whether you have grounds for legal action. Considering the Supreme Court of Virginia recently extended both property owner and third-party liability through various rulings, you may be entitled to compensation. The obligations imposed upon property owners are often overlooked, because they're relatively new and, as such, unfamiliar to many.

If you or someone you love was hurt by another directly or indirectly, it's worth reviewing these recent decisions to determine whether you or your family may be able to file a personal injury claim. Read on to learn more about the court's decisions and how they define a third party's liability:

1. RGR, LLC v. Settle

Charles Settle died after the dump truck he was operating was struck by a train. Along the tracks near the site of the collision, RGR, LLC had stacked lumber, that obscured visibility and therefore created a hazardous condition. Georgia Settle, the personal representative of the deceased's estate, sued RGR for breaching their duty of care to those traveling in the vicinity.

The jury awarded Mrs. Settle with \$2.5 million. RGR appealed the verdict, and the Supreme Court held that RGR's negligence was a proximate cause of the crash and was subsequently responsible for Mr. Settle's death.

2. Quisenberry v. Huntington Ingalls Inc.

Wanda Quisenberry was diagnosed with malignant pleural mesothelioma and died three years later. Her illness was attributed to asbestos exposure, which was traced to her father, who came home from work with asbestos fibers on his clothing.

The Supreme Court held that her father's employer knew or should have known of the dangers their job sites posed to employees and their families, and that the employer failed to take reasonable measures to mitigate these risks and did not instruct employees to avoid wearing their work clothes home.

Prior to this case, there was no precedent supporting an employer's liability to an employee's family member if the cause of action occurred off the premises. The Supreme Court held that Virginia law recognizes "take-home duty," thereby establishing a new precedent.

- If you're wondering what these two cases mean for injured or disabled parties who were hurt through no fault of their own, these are the biggest takeaways:
- Every property owner has the duty to exercise ordinary care to prevent harm to others;
- The duty is separate and apart from premises liability, so notice is not a prerequisite for recovery; and
- Every person has the duty to exercise ordinary care in the use and maintenance of its property to prevent injury or death to others.

Call 703-934-1198 to Discuss Your Case with Ben Trichilo, Fairfax Personal Injury Attorney

If you are recovering from serious injuries and you believe that a third party should be responsible, then contact Ben Trichilo, an attorney with McCandlish Lillard for strategic legal guidance. With a history dating back more than 100 years, our firm has substantial expertise and are proud to counsel clients in a variety of areas. To schedule an initial consultation with Ben Trichilo, call 703-934-1198.

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