

Legal Ease

Law Professionals Caring For Your Family

Fall

A Community Service Report

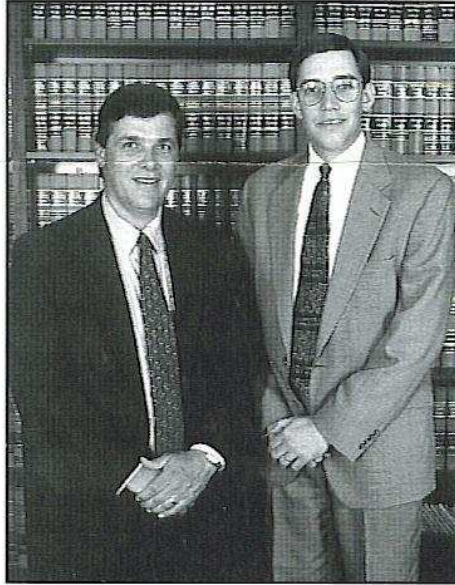
About Your Authors...

Ed Dougherty and Phil Holloway are dedicated, professional lawyers committed to providing you a newsletter to answer your legal questions. Let's meet your authors.

Ed Dougherty is a life-long resident of Missouri who currently lives in Platte County with his wife Julie and their four children. Ed is a graduate of the University of Missouri and UMKC Law School in Kansas City. Ed has been practicing law for 18 years.

Phil Holloway was also born and raised in Missouri. He currently resides in Clay County with his wife Kristen, and their two daughters. Phil is a graduate of William Jewell in Liberty, Missouri, and UMKC Law School in Kansas City. Phil has been a partner with Ed for the past 3 years.

Both Ed and Phil have successfully handled cases involving medical malpractice, products liability, wrongful death claims, auto accidents, premises liability claims, and other similar injury cases. Ed and Phil are committed to helping you protect your family.



Ed Dougherty and Phil Holloway have over 24 combined years of experience. Let their law family care for your family.

Future Topics

**Dangerous Products You Use
Everyday
&
Car Insurance: What Am I
Paying for?**

*Legal Ease welcomes ideas
on topics that may be of
interest to you.*

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1100 Main Street
Kansas City, MO 64105
1-800-943-4LAW

Homeowners Policies - Do They Cover Injuries On My Property?

Homeowners and renters often ask themselves several questions when it comes to the legalities of someone becoming injured on their property. The following questions are not uncommon:

"If a person is injured in my house, am I liable for their damages?"

"Can I be sued just because an accident happened on my property?"

"Does my homeowners policy cover all injury claims on my land?"

The answers to these questions usually depend on the reason for which the injured person is on your property. The law places visitors to your property in three categories: trespassers, licensees and invitees. You are probably familiar with the meaning of trespasser, but what about the others? Let me give you a brief explanation of each.

A **trespasser** is someone who is on your property without your permission or consent. Generally, you are not legally responsible if a trespasser is injured on your property due to some condition of your property. However, there are exceptions. One is if the trespasser is injured by a hidden danger created on your property to intentionally or recklessly injure others. There is also the exception of child trespassers. You may be responsible for injuries to children for known dangerous conditions on your property if you

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HAVE A QUESTION?



SEND THEM TO



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know that children often visit your property without your permission.

Another category is something called **licensee**. This is a person on your property with permission (or a license to be there). Most social guests which come to your home would be considered a licensee. With this category of visitor, you must make safe or warn the visitor of all known dangerous conditions of your property. However, this does not include conditions which are open and obvious.

Lastly, is the **invitee**. This is a person on your property who is there with the permission of the owner and for the benefit of the owner. This would occur on your property if you are operating a business out of your home or inviting someone onto your property for a business pursuit. For example, a person attending a garage sale on your property would be considered an invitee. As to an invitee, you may be held responsible for injuries if created by a dangerous condition which you knew or should have known existed and you did not take some precautions to remove, fix or warn others.

There are situations where you may have responsibility to visitors on your property, such as when another person on your property injures that visitor. Most homeowner's policies or renter's insurance will cover you or a family member for your negligence in causing an injury to someone else even if it does not occur on your property. This is an added benefit of homeowner's insurance that most people don't realize. I urge you to refer to your homeowner's policy to discover what areas are covered under your policy. If

A Case In Point...

Kara lived with her husband and children in a small town in Missouri. She had a full-time job, but during the summer months, made extra money by operating a mowing business with her family on the side. One of her mowing jobs was at a convenience store.

One late summer day, Kara, her husband and daughter were mowing the convenience store lot. Because it benefited the store operator, she was considered an invitee. Several weeks before that date, a section of wooden fence had fallen over in the back lot of the convenience store. It had been placed in a corner behind the store, but weeds and grass were allowed to grow up over it so that it was almost invisible.

While working, Kara pulled her push mower in the area of the of the downed fence when she tripped over the almost invisible section of fence pulling the lawn mower over her foot and cutting off her large toe.

Because Kara was diabetic, it was necessary to transfer her to a hospital where surgery was performed. Afterwards, she had to make the adjustment to walking again without her large toe, which was not easy in her job or at home.

Because of over \$20,000.00 in medical bills and future concerns about her
(continued...)

you have additional questions on this topic, please give me a call at 1-800-943-4LAW.

- Phil Holloway

injury, Kara tried to get the convenience store's liability insurance carrier to compensate her for her injury. They refused, even after I was contacted and hired by Kara. We tried the case to a jury and the jury awarded Kara \$180,000.00 less 15% for her own comparative fault. The net judgment was \$153,000.00

After a year and a half on appeal, the judgment was finally affirmed and Kara received the compensation she was due.

The reason that Kara was able to recover against the convenience store was that they knew about the downed fence and the weeds covering it and did not warn Kara as an invitee.

- Ed Dougherty

Letter From The Editor...

This newsletter will be brought to you on a quarterly basis and will focus on answering your questions about the legal profession.

Your authors, Ed Dougherty and Phil Holloway are professional, confident lawyers dedicated to community service and the justice system.

To ensure that your rights are protected, Ed and Phil will assist and educate you and those that surround you with pertinent answers to questions that you would like to have answered.

I am proud to represent these gentlemen as Editor-In-Chief of their newsletter. I am confident in their abilities and look forward to publishing this newsletter for them.