



## **BROWNLEE LLP: FOR ALL YOUR LITIGATION NEEDS**

Brownlee LLP has trial-tested lawyers in Calgary, Edmonton and Vancouver dedicated to achieving positive results for our clients. In particular, we have a solid history of defending occupiers' liability personal injury claims. We have successfully defended such claims against occupiers such as schools, grocery and hardware stores, and municipalities. Some of our recent successes in this area:

- Slip and fall claim brought by the parent of a student at our client's elementary school in Medicine Hat was successfully dismissed. Brownlee LLP had the claim dismissed by the Alberta Court of Queen's Bench, the Alberta Court of Appeal, and the Supreme Court of Canada.<sup>1</sup>
- Successfully defended the City of Lethbridge for the plaintiff's trip and fall on a sunken sprinkler head during an outdoor festival.<sup>2</sup>
- Trip and fall case against our client's grocery store was dismissed at trial. The plaintiff was in the cooler when she tripped over a pallet. The Court ruled there was nothing more the store could have reasonably done to bring the pallet to the plaintiff's attention and dismissed the case.<sup>3</sup>
- In an Edmonton case, the plaintiff tripped on the curb of a pedestrian crossing area while leaving our client's hardware store. The Court heard expert evidence there was nothing wrong with the walking area, held the defendants were not liable, and dismissed the plaintiff's case entirely.<sup>4</sup>
- In a case involving a plaintiff who was walking on the sidewalk leading to our client's store entrance, she was frightened by a lunging dog that was leashed to a bench on the sidewalk. The plaintiff stepped backward, fell into the parking lot, and sued the store for personal injuries. The Alberta Court of Appeal ultimately dismissed the case on our application.<sup>5</sup>
- A plaintiff's slip and fall case against our client's business was summarily dismissed on our application. The plaintiff exited his vehicle, started walking toward the building entrance, then slipped and fell. The evidence showed there had been some snowfall after the store opened. The court agreed it was unsafe to have heavy machinery conducting snow removal during business hours and the parking lot was to be cleared later that night when it was safe to do so. As a result, the Court agreed our client was not negligent and dismissed the claim.<sup>6</sup>

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1 *Hannam v Medicine Hat School District No. 76*, 2020 ABCA 343 (leave denied to plaintiffs in 2021 CanLII 20326 (SCC))

2 *Ellis v Lethbridge*, 2019 ABPC 276, aff'd in 2020 ABQB 783

3 *Bzdzich v Loblaws Companies Limited*, 2019 ABQB 984

4 *Rogal v Stonefield (Fort Saskatchewan)*, 2018 ABQB 270

5 *Stefanyk v Sobeys Capital Incorporated*, 2018 ABCA 125

6 *Reichert v Home Depot Canada Inc.*, 2017 ABQB 18



**BROWNLEE LLP**  
*Barristers & Solicitors*

## OUR TEAM

### *Calgary*



**DAVID M. PICK**  
*Partner*



**NABEEL S. PEERMOHAMED**  
*Partner*



**DUNCAN E. TAYLOR**  
*Lawyer*



**DREW J. WILSON**  
*Lawyer*

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### *Edmonton*



**SHAD A. CHAPMAN**  
*Partner*



**ANGELA P. KOS**  
*Partner*



**KWAKU ADU**  
*Lawyer*



**JESSICA E. LIU**  
*Lawyer*

Our litigators are ready to work with you to obtain similar successful outcomes defending your occupiers' liability or other claims. Please keep us in mind for all of your litigation needs. We would be happy to provide a virtual complimentary seminar on occupiers' liability or other matters of interest to you and your team.

**Please visit our website for information  
about our litigators and firm.**