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PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

Massachusetts Supreme Court Holds Homeowners Responsible for Snow Accumulation

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In July, as explained in this [Business Week article](#), Massachusetts highest court overturned a long standing rule that absolved property owner's from liability for failing to remove snow accumulation on their property. As explained in [Papadopoulos v. Target, SJC-10529](#), the overruled holding was referred to as the "Massachusetts rule", and stood for the proposition that property owners were not responsible for removing the natural accumulation of snow and ice.

In [Papadopoulos](#), the plaintiff was injured when he slipped and fell on a patch of ice located in the parking lot of a Target Store. The parking lot had been plowed, but the snow had been plowed into a pile on a median strip. He sustained serious personal injuries, including a broken pelvis. He retained a [personal injury lawyer](#) and commenced a lawsuit against Target, seeking compensation for his injuries.

In defense of the lawsuit, Target argued that the ice was the result of a natural accumulation from the pile of snow located on the median. Specifically, either



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the plaintiff slipped on ice that had "run off" from the snow on the median or had slipped on a chunk of ice that had fallen from the snow pile.

The court rejected this argument and in the process of doing so, overturned the long standing "Massachusetts rule":

We now will apply to hazards arising from snow and ice the same obligation that a property owner owes to lawful visitors as to all other hazards: a duty to "act as a reasonable person under all of the circumstances including the likelihood of injury to others, the probable seriousness of such injuries, and the burden of reducing or avoiding the risk." *Young v. Garwacki*, 380 Mass. 162... This introduces no special burden on property owners. If a property owner knows or reasonably should know of a dangerous condition on its property, whether arising from an accumulation of snow or ice, or rust on a railing, or a discarded banana peel, the property owner owes a duty to lawful visitors to make reasonable efforts to protect lawful visitors against the danger...

This is undoubtedly a victory for those injured in Massachusetts, especially since the court held that the decision applies retroactively to all pending lawsuits. Property owners should be held responsible for conditions under their control that may cause others to be injured. This decision ensures that stores such as Target will take necessary actions to make their property safe for all shoppers, regardless of the weather.

Howard Ankin of Ankin Law Office LLC (www.ankinlaw.com) handles **workers' compensation and personal injury cases**. Mr. Ankin can be reached at (312) 346-8780 and howard@ankinlaw.com.