

**Premises
Liability**

**Products
Liability**

**Contract
Disputes**

**Complex
Litigation**

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LITIGATION SERVICES

Avoiding or Limiting Liability to Business Invitees

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Customers and vendors who visit your business are usually classified as business invitees. A “business invitee” is a person who comes upon the business premises of another, by express or implied invitation, for some purpose that is beneficial to the business owner. Under Ohio law, a business owner owes a duty to business invitees to exercise ordinary care in maintaining the business premises in a reasonably safe condition, such that the business invitee will not unreasonably or unnecessarily be exposed to danger. A business owner also has a duty to warn business invitees of concealed dangers if the owner is aware of the danger.

The following are some tips for avoiding or limiting liability to business invitees:

1. Keep your premises, including parking areas, well lit.
2. Regularly have doors and elevators checked and maintained.
3. Immediately clean up any spills inside your business and display “Wet Floor” signs in the area until it is completely dry.
4. Make sure steps are free from defects and accompanied by handrails.
5. When an accident occurs, investigate immediately. Involve counsel as well as risk management personnel. Crucial evidence may be lost forever if you do not act promptly. It is never a good idea to ignore the situation and hope that it does not result in a lawsuit. Counsel should participate in and document the investigation. This preserves what privilege is available and assembles information that will be useful in the event of a lawsuit.
6. Have a set internal procedure for handling lawsuits. While your company may have separate counsel in different jurisdictions handling different cases, it is essential that someone in management or your lawyer has all of the key information on all of the cases. Your responses to discovery and the deposition testimony of your employees must be consistent across the board. Involve counsel to set up this procedure before you have a lawsuit. This will assure that you properly control the production of company information from the start. Counsel will use confidentiality agreements and will resist the production of privileged information.

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