

CHAMBER ROUNDUP

October / November events

Greater Bakersfield Chamber of Commerce

Oct. 14 — BYP Street Party; 6 to 10 p.m.; Live music, food vendors, craft beer and cocktails; \$20 in advance; \$30 at the door; Wall Street Alley, enter through The Park at the Mark, 1623 19th St. Purchase tickets at vallitix.com.



Oct. 19 — Pancakes & Partnerships Procurement Breakfast; check-in/networking, 7:30 a.m.; program, 8 to 9:30 a.m.; \$25 for members; \$50 for nonmembers; Greater Bakersfield Chamber of Commerce, 1725 Eye St.

Oct. 21, 28 — Government Review Council; 7:30 to 8:30



PHOTO COURTESY OF APRIL MASSIRO

BYP Street Party

a.m.; Greater Bakersfield Chamber of Commerce, 1725 Eye St.

Oct. 27 — Business Expo; 4 to 7 p.m.; \$5 admission; Rabobank Convention Center, 1001 Truxtun Ave.

Nov. 3 — BYP Professional and Personal Development Event; Bakersfield Music Hall of Fame, 2231 R St.

Nov. 7 — Philanthropy on Tap; featured nonprofit, The Boys & Girls Clubs of Kern County; 5 to 6:30 p.m.;

Imbibe Wine and Spirits Merchant, 4140 Truxtun Ave. Free to attend.

Nov. 11 — Chamber closed; Veterans' Day.

Nov. 17 — After Hours Mixer; 5:30 to 7:30 p.m.; \$5 for members; \$10 for nonmembers; Location TBA

Nov. 24-25 — Chamber closed; Thanksgiving.

Dec. 5 — Philanthropy on Tap; featured nonprofit, Kern County Museum Foundation; 5 to 6:30 p.m.; Imbibe Wine and Spirits Merchant, 4140 Truxtun Ave. Free to attend.

Dec. 6 — Vision for the Valley; 8 to 11:45 a.m.; Bakersfield College Edward J. Simonsen Performing Arts Center, 1801 Panorama Drive.

For information, please contact the Greater Bakersfield Chamber of Commerce at 661-327-4421 or visit www.bakersfieldchamber.org.

Property maintenance is key to avoid injuries, premises liability claims

By Matthew C. Clark

Maintaining your property so that it is safe for your customers, employees and visitors should be a top priority for all businesses. Premises liability lawsuits are one of the most common claims made against businesses.



Matthew C. Clark

At Chain | Cohn | Stiles, we regularly receive calls from Kern County residents injured due to poorly maintained property. Oftentimes, these injuries lead to cases, and these cases end up in litigation, costing businesses time and money. In almost every instance, the injury, and subsequent lawsuit, could have

been avoided with proper maintenance and inspection and a basic understanding of premises liability law.

Premises liability claims typically fall into one of two major categories: standard premises liability or premises liability against a public entity, oftentimes referred to as a "dangerous condition of public property." In this article, we will focus on the former, which applies to all private businesses and an injury claim made by a nonemployee. Also, it is important to note that an injury claimed by an employee normally falls into the worker's compensation system, which is a "no fault" system, meaning the law relating to liability is largely inapplicable.

Premises liability claims

If someone claims to be injured on your property, he or she needs to prove four

things to win their case:

1. That you owned, leased and/or controlled the property;
2. That you were negligent in the use or maintenance of your property;
3. That they suffered an injury; and,
4. That your negligence was a substantial factor in causing their injury.

Property owners are expected to use reasonable care to discover any unsafe conditions and to repair or give warning of any condition that could be reasonably expected to harm others. If an injured party can ultimately prove that a dangerous condition existed on the property, that the owner knew or should have known the condition was present on the property, and that the owner failed to correct the condition or give adequate warning, the injured party will likely prevail.

But how does it work in a practical sense? If, for example, you fail to maintain your parking lot to the extent that it is full of potholes, uneven surfaces, or broken and cracked asphalt and someone falls, you may be liable for their injuries. If a customer spilled something inside your store and you have no protocol or procedure in place to regularly inspect the condition of the floor and then hours later another customer slips and falls, you could be liable. If your business operates at night, and you have an

area outside that is so poorly lit that things like curbs, parking bumpers or medians are invisible and someone falls, you could be liable.

What you can do

As a best practice, your business should regularly inspect your property and keep a record of the inspections (think of inspection records inside most public restrooms, for example). If during an inspection, you come across a condition or defect that poses a danger to others, you should immediately cordon off the area, put up warnings if necessary — such as wet floor signs or warning tape — and then correct the defect as quickly as possible. Under most circumstances, businesses make timely repairs to defects they are aware of. The failure occurs when there is not a regular inspection policy in place and defects go unnoticed. So if you take one bit of advice away from this brief article it should be: Put a policy in place to regularly inspect your business's property, do the inspections and keep a record that you did it.

— Matthew C. Clark is a senior partner at Chain | Cohn | Stiles where he focuses on wrongful death, industrial accidents and motor vehicle accident cases, among other injury cases for people of Kern County.