

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Melissa Johnson v. Boardwalk Regency, LLC d/b/a Caesar's Atlantic City, John Does 1-10 (Names Fictitious and Unknown), ABC Corp. (Name Fictitious and Unknown)

Johnson v. Boardwalk Regency · No. Civil Action No. 23-23232 (KSH) (CF) · Decided December 23, 2025

SUMMARY

The United States District Court for the District of New Jersey denied Caesar’s motion for summary judgment in a negligence action arising from the plaintiff’s slip and fall in a casino restroom. The court found genuine disputes concerning constructive notice of water on the floor and causation, while dismissing the negligence count against fictitious defendants.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Katharine S. Hayden
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 23, 2025
DOCKET	Civil Action No. 23-23232 (KSH) (CF)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment in a removed diversity negligence action arising from plaintiff's slip-and-fall in defendant's restroom.
STANDARD OF REVIEW	Summary judgment is proper when the movant shows that there is no genuine dispute as to any material fact and that it is entitled to judgment as a matter of law. The court views evidence and draws reasonable factual inferences in favor of the nonmovant, without assessing credibility or weighing evidence.
PRECEDENTIAL VALUE	unpublished and not for publication

TOPICS

- premises liability
- negligence
- summary judgment
- civil procedure
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Caesar's was entitled to summary judgment because Johnson could not establish constructive notice of the dangerous condition.
2. Whether Caesar's was entitled to summary judgment because Johnson could not establish causation.
3. Whether the negligence claim against the fictitiously named defendants should be dismissed after discovery closed without any additional defendants being named.

HOLDINGS

1. Summary judgment was not warranted because the record permitted a reasonable factfinder to infer that Caesar's had constructive notice of water on the restroom floor.
2. Summary judgment was not warranted because genuine disputes of material fact existed regarding whether water on the sink or floor caused Johnson's fall.
3. Count two, alleging negligence by fictitiously named defendants, was dismissed because discovery had closed and Johnson had not named additional defendants.

KEY QUOTATIONS

"Summary judgment is proper where the movant demonstrates that there is no genuine dispute as to any material fact and that it is entitled to judgment as a matter of law."

"Business owners owe to invitees a duty of reasonable or due care to provide a safe environment for doing that which is within the scope of the invitation."

"Viewing the evidence and drawing the factual inferences in the light most favorable to Johnson, the nonmovant, the Court concludes that a triable fact issue exists as to whether Caesar's was on constructive notice of a water spill or puddle on the floor of the restroom Johnson used."

FACTUAL BACKGROUND

On July 14, 2022, Melissa Johnson visited a restroom at Caesar's Atlantic City after coming from a nearby beach area and slipped and fell while cleaning sand from her feet. The record contained evidence of water on the sink and floor, a security officer's report calling for mopping and cleanup, and a permanent warning sign stating that the floor was slippery when wet. Johnson attributed her fall to the water, while Caesar's argued that her own conduct in washing or wiping her feet caused the fall.

PROCEDURAL HISTORY

Johnson filed a negligence action against Caesar's in New Jersey state court on September 14, 2023. Caesar's removed the action to the District of New Jersey on December 19, 2023, invoking diversity jurisdiction. After discovery and entry of a final pretrial order for summary-judgment purposes, Caesar's moved for summary judgment. The court dismissed the negligence count against fictitious defendants but denied Caesar's motion for summary judgment on the claim against Caesar's.

DISPOSITION

other

CASES CITED

- Pyfer v. American Management Services (In re National Pool Construction, Inc.), 598 F. App'x 841, 844 (3d Cir. 2015)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986)
- Mall Chevrolet, Inc. v. General Motors LLC, 99 F.4th 622, 630 (3d Cir. 2024)
- Blunt v. Lower Merion School District, 767 F.3d 247, 265 (3d Cir. 2014)
- Burton v. Teleflex, Inc., 707 F.3d 417, 428-29 (3d Cir. 2013)
- M.S. ex rel. Hall v. Susquehanna Township School District, 969 F.3d 120, 125 (3d Cir. 2020)
- Shields v. Ramslee Motors, 240 N.J. 479, 487 (2020)
- Robinson v. Vivirito, 217 N.J. 199, 208 (2014)
- Nisivoccia v. Glass Gardens, Inc., 175 N.J. 559, 563 (2003)
- Troupe v. Burlington Coat Factory Warehouse Corp., 443 N.J. Super. 596, 602 (App. Div. 2016)
- Parmenter v. Jarvis Drug Stores, Inc., 48 N.J. Super. 507, 510 (App. Div. 1957)
- Blakeslee v. Clinton County, 336 F. App'x 248, 251 (3d Cir. 2009)
- Olmo v. Atlantic City Parasail, LLC, 2016 WL 1728964, at *1 n.1 (D.N.J. Apr. 28, 2016)
- Snead v. Casino, 700 F. Supp. 3d 203, 216 (D.N.J. 2023)