

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Maria Rosengren v. SF Markets, LLC

No. 2:22-cv-00848-RSWL-PD (C.D. Cal. Mar. 13, 2023) · No. 2:22-cv-00848-RSWL-PD · Decided March 13, 2023

SUMMARY

The United States District Court for the Central District of California granted SF Markets, LLC’s unopposed motion for summary judgment in Maria Rosengren’s action alleging general negligence, premises liability, and negligent infliction of emotional distress. The court held that Rosengren presented no evidence that SF Markets had actual or constructive knowledge of the cherry on which she slipped. Judgment was entered for SF Markets on all claims.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Ronald S.W. Lew
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 13, 2023
DOCKET	2:22-cv-00848-RSWL-PD
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment in a removed diversity action alleging general negligence, premises liability, and negligent infliction of emotional distress. Plaintiff filed no opposition. The court granted the motion on the merits and entered judgment for Defendant.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views the evidence and reasonable inferences in the light most favorable to the nonmoving party, does not weigh evidence, and may grant an unopposed motion only after determining that no material issue of fact exists.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court opinion
PARTIES	Maria Rosengren v. SF Markets, LLC

TOPICS

premises liability

negligence

negligent infliction of emotional distress

summary judgment

civil procedure

PRACTICE AREAS

torts

premises liability

civil procedure

QUESTIONS PRESENTED

1. Whether SF Markets was entitled to summary judgment on Rosengren's general-negligence and premises-liability claims because there was no evidence that it had actual or constructive knowledge of the cherry before the fall.
2. Whether SF Markets was entitled to summary judgment on Rosengren's negligent-infliction-of-emotional-distress claim because the absence of actual or constructive notice prevented proof of the necessary negligence elements.

HOLDINGS

1. SF Markets was entitled to summary judgment because Rosengren produced no evidence that SF Markets had actual or constructive knowledge of the cherry in sufficient time to correct the dangerous condition.
2. SF Markets was entitled to summary judgment on the negligent-infliction-of-emotional-distress claim because Rosengren could not prove the necessary elements of negligence where there was no actual or constructive notice of the dangerous condition.

KEY QUOTATIONS

“Premises liability is a type of negligence, and the same analysis applies to both.” (5)

“As a general proposition, if there is undisputed evidence that an active inspection of the relevant area occurred less than [thirty] minutes before the accident, summary judgment in favor of the store owner is appropriate; if not, the question should be resolved by a jury.” (8)

“Therefore, given that Plaintiff cannot prove one of the necessary elements, Defendant is entitled to summary judgment on Plaintiff’s claim for negligent infliction of emotional distress.” (10)

FACTUAL BACKGROUND

SF Markets operated a grocery store in Simi Valley, California, with a policy of hourly visual inspection sweeps of the Produce Department and surrounding floor. On July 9, 2019, Rosengren entered the store and slipped on a cherry near a produce display approximately four seconds after entering. A store employee had completed a sweep of the area approximately twenty-five minutes earlier, and store surveillance appeared to show a customer dropping the cherry after that sweep. Rosengren did not know how the cherry came to be on the floor or how long it had been there, and the store had received no other slip-and-fall complaints that day.

PROCEDURAL HISTORY

Plaintiff filed suit, and Defendant removed the action to the Central District of California and filed an answer. Defendant moved for summary judgment on December 15, 2022. Plaintiff did not oppose the motion, but the court independently evaluated whether Defendant met its summary-judgment burden and granted the motion.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 250, 255 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323, 325 (1986)
- In re Oracle Corp. Sec. Litig., 627 F.3d 376, 385, 387 (9th Cir. 2010)
- Scott v. Harris, 550 U.S. 372, 378 (2007)
- Norse v. City of Santa Cruz, 629 F.3d 966, 973 (9th Cir. 2010)
- Cristobal v. Siegel, 26 F.3d 1488, 1494-95 (9th Cir. 1994)
- Mirtaheri v. Sprouts Farmers Mkt., Inc., No. 2:20-cv- (C.D. Cal. Dec. 29, 2021)
- Conroy v. Regents of Univ. of Cal., 45 Cal. 4th 1244, 1250
- Ortega v. Kmart Corp., 26 Cal. 4th 1200, 1205
- Alacan v. Target Corp., No. CV 14-04564-AB (VBKx), 2015 U.S. Dist. LEXIS 178484, at *8, *10 (C.D. Cal. 2015)
- Huggins v. Longs Drug Stores Cal., Inc., 6 Cal. 4th 124, 129
- Roberts v. Orange Glo, No. 2:14-000421 WBS DAD, 2014 U.S. Dist. LEXIS 156771, at *8 (E.D. Cal. Nov. 4, 2014)
- Dunkins v. Cty. of San Bernardino, No. CV 12-01432 MMM (SPx), 2013 U.S. Dist. LEXIS
- Bean v. Costco Wholesale Corp., 561 F. Supp. 3d 915, 920 (E.D. Cal. 2021)

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