



A Slippery Slope

*MEGAL V. GREEN BAY AREA VISITOR & CONVENTION BUREAU,
672 N.W.2D 105 (WIS. APP. 2003)*

Robert E. Rains

*Nancy Megal had gone and seen a
Show at the Brown County Arena.
Skaters were sliding all over the ice,
Which she, no doubt, thought rather nice.
But when the show came to an end,
On the stairway she tried to descend
There was a ketchup-soaked french fry
Dropped there by some passerby.
As Nancy trod upon the spud,
She slid and landed with a thud.
To this day the pain must rankle –
She sustained a broken ankle.*

Professor Rains, who teaches at the Dickinson School of Law of the Pennsylvania State University, increasingly finds that poetic justice is about all one generally gets.

Seeking to assuage her sorrow,
She sued the Green Bay Visitor Bureau.
She claimed they had been very lax;
For though they sold the patrons snacks,
In the event it had transpired
Two janitors were all they'd hired
To keep the whole place clean and mopped
No matter how much food was dropped.
The Bureau was, we trust, distressed
That injury befell a guest,
But felt they had done naught improper
To cause our gal to come a cropper
Because they were quite unaware
A french fry lurked upon that stair.
They asked the judge to toss the case
Before a trial had taken place.
The judge, whose docket was quite tight,
Reviewed the file and said all right.

But Nancy thought that higher judges
Would realize hers were valid grudges.
The "mode of operation rule,"
She claimed, was the judicial tool
For an appellate court to find
That damages ought be assigned.

*A panel parsed the “safe place” act,
And, based on undisputed fact,
It held Green Bay not obligated
Because no danger was created
Right where the errant fry was bought –
A snack bar with no peril fraught.*

*One judge dissented, but who cares?
There’s no recourse for greasy stairs.
So all of Nancy’s hopes were dashed
Although her ankle had been mashed.*



*What lessons can we learn from this?
(Save always moving to dismiss?)*

*If you should run a public place,
Make sure to tidy each staircase.
For even if you win a suit,
Defending one will cost some loot.
Although Green Bay prevailed this time,
For future entertainments, I’m
Quite certain they won’t be such slackers
(Like when they host the mighty Packers).*

*And, lastly, as you might have guessed,
Your sainted Mother did know best.
Her rules we all should duly follow:
Chew all your food, be sure to swallow.
Do not take more than you can eat.
Keep your surroundings nice and neat.
And, watch out as you tread each stair;
Grave dangers may be hidden there.*

