

Sample Personal Injury Demand Letter — Slip/Fall Stair Accident

Here is a sample demand letter sent after a slip and fall accident in a department store. In this incident, the victim suffered a broken elbow which required surgery, and underwent extensive physical therapy. This case also involves permanent loss of mobility.

Be sure to check the section titled “Issues Affecting a Settlement Amount” (below the sample letter) to understand the key factors in a case like this.



This sample letter is not a replacement for qualified legal advice — it is for instructional purposes only. Always talk to a lawyer before making any written statements following an accident.

Example Demand Letter

Wanda Shore

21566 Riverside Drive

Los Angeles, CA 00000

September 15, 20xx

Roger de la Rue

Claims Adjuster

Twentieth Century Insurance Adjuster

6400 Century Boulevard

Los Angeles, CA 00000

Re: Your Insured, Broadmart Stores

Claimant: Wanda Shore

Claim No.: 93-1033 BS

Date of Loss: January 13, 20xx

Dear Mr. de la Rue:

I was injured on January 13, 20xx in the West Hollywood Broadmart store. I fell coming down some stairs in the women's shoe section, where I had been shopping. I landed on my right arm, shattering my elbow. [NOTE: Wanda describes her elbow as "shattered" rather than simply broken, establishing the seriousness of her injury.]

Liability

Two weeks after the accident, I had the stairs on which I fell carefully examined. In at least four separate ways, the stairs present an unreasonable hazard to a customer. First, the lack of handrails is a violation of law. The Los Angeles County Building Code Section 1225 requires that all commercial sets of stairs have handrails every 88 inches. Because this open stairway is more than 11 feet wide, it should have had handrails on each side and one in the middle. It had no handrails at all. At my age, 76, I always use a handrail when one is available, and in this case a handrail would have prevented a serious fall.

Also, the county building code requires that riser heights be the same to within one-quarter inch. The riser heights of the second and third stairs, on which I fell, differ by a full inch (6-1÷8 inches to 7-1÷8 inches). This violation of the code proved dangerous because when I came down the stairs, the third step down did not meet my foot at the same point as did the previous step, throwing me off balance. **[NOTE: Wanda specifically explains why the violation of the building code caused her accident.]**

As the enclosed photographs show, the color of the carpeting contributes to the danger. The third step is covered with the same dark red carpet as on the bottom floor, while the platform and the first two steps down are covered in white carpet. Looking down onto the red third step, it is difficult to see that it is a step at all rather than the beginning of the floor. **[NOTE: Photograph is explained instead of merely included.]** The third step should have been white like the other two. And finally, display spotlights set up around the stairs shine directly into your eyes as you come down, making it extremely difficult to see the steps clearly.

For all these reasons, the stairs presented a hazardous condition and caused me to fall. The building code violations alone establish the store's liability. When the

other factors are added, it becomes even more clear how dangerous the stairs were.

Injury and Treatment

Immediately after the fall, I was taken by ambulance to the Mt. Pleasant Hospital emergency room, where they took X-rays and put my arm in a temporary cast. I was in terrible pain and was given a Demerol injection and more Demerol to take orally. **[NOTE: Mention of the specific strong drug verifies the amount of pain Wanda suffered.]** The next day, I went to see Dr. Barton Groback, an orthopedic surgeon, but my arm was so swollen that he could not examine it. He gave me more prescription pain medication, and for the next several days, I was in so much pain that all I could do was stay in bed. Even the slightest movement brought on excruciating pain. **[NOTE: Great pain emphasized again.]**

When I returned to Dr. Groback the next week, he took more X-rays and scheduled me for surgery. He operated on January 24, 20xx, and I spent three days in the hospital, then another week in bed, in great pain. I stayed in a cast for eight weeks, during which I required help just to care for myself. For the first two weeks after the operation I was in great pain. And for most of the eight weeks that I was in a cast, I was forced to stay around the house.

After the cast was removed, I began physical therapy treatments to regain movement and strength in my arm. I went to physical therapy for three months, and since then I have been doing daily exercises given to me by Dr. Groback. Despite all the therapy and the exercises, however, I still have much less strength in the arm than before the accident. I cannot bend the elbow much or twist my arm in either direction. Dr. Groback says that I will have to keep doing the exercises just to keep the arm at its present level, but that I will never recover full use of it. He also says that over time I may develop arthritis in the elbow joint, making it even less movable and more painful. **[NOTE: Mention not only of long recovery and permanent injury but possibility of further problems later on.]**

The costs of my medical treatment are as follows:

Osprey Ambulance Service \$320

Mt. Pleasant Hospital (E.R.) \$700

Barton Groback, M.D. \$4,860

Mt. Pleasant Hospital (surgery) \$5,650

Flexall Physical Therapy \$1,200

TOTAL *** \$12,730**

Because of the many dangers on the stairs, including two violations of the building code which led directly to my fall, I suffered a shattered right arm. My injury required surgery and many months of rehabilitation, and has resulted in a permanent loss of some use of my arm. Because of the great pain I have suffered and the permanent disability the injury has caused, I demand \$120,000 as compensation.

*As you are aware, if this matter is not settled before January, I will be forced to file a lawsuit against Broadmart stores to protect my legal interests. **[NOTE: A reminder to the insurance adjuster that Wanda may file a lawsuit soon, something the adjuster does not want her to do because it would get lawyers involved.]** I hope, therefore, for your prompt attention to this matter.*

Very truly yours,

[Signature]

Wanda Shore

Supporting Documents to Include With This Demand Letter

- a copy of the building code sections that regulate construction of stairs
 - photos of the stairs
 - photos of Wanda's arm at different stages of treatment and recovery, and medical records and bills from ambulance and all hospitals, doctors, and physical therapists.
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