



legal brief

by Jason W. Mauck

Inside/Out: You're Also Liable for the Outside of Your Business

I've talked previously about the liability sidewalks may impose on a neighboring business owner, but did you know that the owners or lessors of a store can be sued for criminal acts on their property? It does not matter that the victim is even a patron of your store. Someone can get mugged by a random criminal in a parking lot that you own or lease and the injured person has a basis to sue you, as the landowner or controller.

There's a case on point here: *Onciano v. Golden Palace Restaurant, Inc.* (1990) 219 Cal.App.3d 385. This case involved the patron of a Chinese food restaurant leaving the restaurant late at night and being attacked by three people. The court found that the restaurant may be held liable for the acts of third parties because the restaurant did not light the parking lot, put a fence around the parking lot, provide security or put video cameras in the parking lot. When finding potential liability, foreseeability was critical in the court's

ruling. The restaurant admitted that it knew that there was gang activity in the area and still did nothing to prevent criminal acts on its property.

While the case does not say how much was awarded to the plaintiff, and these cases are tough to prove, the potentially high damages can impose some serious liability even if the landowner was only a small percentage at fault. The bottom line is that you need to keep the outside of your store as safe as the inside. There should be lights in parking areas and, if it is a high risk neighborhood, you should take additional steps, such as hiring a security guard with your neighboring businesses. If you lease property, read the lease and make sure the landlord knows that things need to be fixed if it is the landlord's obligation.

If you have any questions about this article or would like to speak with me about potential liability pitfalls, feel free to call me at 510-832-7770 or email me at jmauck@ericksenarbutnot.com