

# West Bend Claim Examples: TANNING



West Bend could not be known as The Silver Lining® were it not for our highly-specialized and experienced claims and legal professionals, and their ability to completely handle the diverse and unique claims of our specialty lines customers.

Here are a few examples.

## BURNS

The most common claims against tanning salons involve customers whose skin is burned during a tanning session. The typical allegation is that the attendant should not have let the customer tan so long, even if the customer insisted on being allowed to tan for a certain length of time. Sometimes lawsuits are filed, and sometimes these cases are settled. In one such case, a regular tanner received first- and second-degree burns, and her lawyer's initial settlement demand was \$8,000. The matter, however, was settled for a little more than \$1,000 and an agreement was made that the claimant never again return to tan at this salon.

## BED MALFUNCTIONS CAUSING INJURIES

Sometimes bed malfunctions cause burns. In one case, the customer could not lift the top of the bed with the handle, so she lifted it open by pushing on the face shield, even though there was a warning that the face shield would be hot. She sustained burns to her hand that required medical treatment and time off work. Her claim was settled for \$2,500 before litigation.

In another case, eight tanners were burned after a person who changed a bulb in a bed forgot to reinstall the face shield. All of them sustained first- and second-degree burns during what should have been uneventful tanning sessions. The claims were settled for nominal amounts before litigation.

In yet another case, the timer malfunctioned and did not shut off the bed. The customer had fallen asleep while tanning. Staff finally noticed the customer had not come back out and went to investigate. She was unable to shut off the bed without turning off the power. There had been no previous problems with the bed. Suit was filed, and eventually the claim was settled with a loss payment that was less than the defense costs.

After tanning, a customer opened the top of the bed. As she was exiting, the top of the bed slammed down on her shoulder. She claimed to suffer shoulder and back injuries resulting in medical treatment of more \$35,000. Her initial settlement demand was \$125,000. While there was no obvious defect to the bed, and it had been regularly maintained, the bed was so old that the statute of limitations had run out on any claim that could be made against the bed manufacturer. The claim was settled for about \$15,000 with no legal expenses paid.

In another case, a customer was in a stand-up tanning booth when she reached up to grab some handles. Her fingers came into contact with the fan at the top of the booth, causing lacerations that resulted in about \$10,000 in medical bills and \$3,000 in lost wages. A six-figure demand was made to settle the case and eventually it went to trial because it appeared the injury was caused by the customer's failure to exercise due care when she reached up. The jury found in favor of the tanning salon.



— continued on other side

# West Bend Claim Examples: TANNING



## INVASION OF PRIVACY

In one case, there was a three-to-four-inch gap between the floor and the wall separating tanning stations. A woman in one area looked over and saw a customer in the adjoining area taking images of her with a digital camera. She filed suit against the salon and sought damages in excess of \$25,000. The case was eventually settled for about \$5,000, but not until after more than \$10,000 in legal fees were incurred. The perpetrator was charged with a crime, and the salon made modifications to extend the partition walls to the floor.

In another case, a man came into a salon to ask about purchasing a gift certificate. He then asked to use the rest room. The clerk was helping another customer when she heard a scream. The man had entered a tanning area where a woman was tanning. He stood there, looking at her, when she happened to open her eyes and see him. There was no way the salon could have predicted this might happen, but that did not prevent a lawsuit. At one point, a settlement demand of more than \$75,000 was made. The case was eventually settled for less than \$5,000; the legal fees incurred were less than \$10,000. Once again, the perpetrator was charged with a crime.

Another case involved two women, one of whom was tanning when she realized holes appeared to have been drilled through the walls of the tanning booths. They did not actually see anyone peeping at them, but still they sued the salon for invasion of privacy. Their initial settlement demands were \$90,000 each. After spending almost \$25,000 defending their lawsuits, the claims were settled for about \$10,000 each.

---

## TRIP AND FALLS

As with many businesses, customers of tanning salons sometimes fall inside the premises. To prevent such claims, the front entry or vestibule should be kept dry. Rugs that might slip or have edges that might curl should be discarded. Steps should be clearly marked.

