

West Bend Claim Examples: BEAUTY SHOPS



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.

SCALP BURNS

A common claim against beauty shops involves scalp burns.

In one case, the customer alleged that color was left in her hair too long; the color had dried to her scalp. She didn't notice problems while at the salon, but realized the next day that her scalp was burned. Even though she went to the emergency room, her scalp became infected. To fight the infection, she had to take prescription medication and missed a week of work. Her claim was settled for \$2,500 before litigation.

In a similar case, the stylist not only exceeded the recommended time for the color to be on the customer's head, she also placed the customer's head under a hair dryer when the manufacturer's instructions specifically stated heat should not be used. The scalp burn led to an infection that caused permanent hair loss. Medical bills to treat the infection and for hair replacement amounted to almost \$10,000. The claim went into suit and was eventually settled for about \$20,000. Legal fees amounted to \$8,000.

Sometimes the contention in scalp burn cases is that the stylist didn't conduct a patch test, as recommended by the manufacturer.

TRIP AND FALLS

Beauty shop trip and fall incidents often happen right inside the door, especially if it's been raining or snowing. One case involved the first customer of the day. It was raining so the customer's shoes were wet. In addition, this shop had an on-going problem in which rain saturated the carpet inside the door. The customer slipped and fractured her kneecap, resulting in medical bills in excess of \$25,000. The claim went into suit and the initial settlement demand was \$150,000. The claim was settled for \$40,000 after almost \$15,000 in defense costs were incurred.

In another case, a shop employee cleaned the tile floor in the entry at a busy time of the day. A wet floor sign was posted inside the shop. The customer, who fell after taking her first step inside the door, said she didn't see the sign until after she fell. She suffered a serious shoulder injury, and medical bills and lost wages amounted to almost \$50,000. The claim went into suit and the primary contention was that the floor should not have been cleaned until the end of the day when there was no chance customers could slip and get hurt. Ultimately, the case was settled at mediation for an amount in excess of \$100,000, and after more than \$25,000 in defense costs were incurred.



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Another claim involved a fall down steps that were clearly marked, and located just past the reception desk. The attorney for the customer who fell tried to transfer responsibility for the fall by arguing that the lighting was inadequate – because it was much brighter outside the shop than it was inside – and that the receptionist's friendly greeting had distracted the customer. Ultimately, no loss payment was made but, as always, substantial legal fees were incurred.

Falls also occur when customers trip over apparatus inside the shop. In one such claim, a 77-year-old customer tripped over a foot rest and fractured her shoulder. While the foot rest was open and obvious to her, she contended the stylist should have verbally warned her to watch her step. Due to the medical bills incurred, and anticipated legal expense, the claim was settled before litigation for \$12,000.

