

TATTOO VIEWS

COMMENTARY BY SUSAN PRESTON

(The opinions expressed in this commentary are solely those of Susan Preston)

When mentioning stiletto heels, different things come to mind depending on if you are a man or a woman. A woman will more than likely either think “high fashion” or “I wouldn’t be caught dead in those things.” For a guy, let’s just say stiletto heels could conceivably be part of their fantasy...

As an insurance broker for the tattoo and piercing industry for quite a few years, I won’t be discussing the fantasy category, sorry guys. What I will be talking about is the risk of having stiletto heels in the tattoo/piercing shop. As of this date, we have had three claims in the last six years that were due to the stiletto heel issue. It’s amazing to think of women’s shoes as being anything more than a fashion statement or a fantasy object.

The first claim we had was in a popular beach area in Southern California. The shop had purple and white checked tiled floors. Those floors made a woman in stiletto heels “dizzy” and thus she tripped and fell and damaged her back. It just happened that she didn’t have health insurance, so no surprise, the shop got sued. I doubt there is anyone out there who has any type of fantasy about this woman after all this, especially our underwriters. Our insurance company argued that she took her own risk by wearing the stiletto heels and ultimately this view prevailed — the woman did not receive any payment from the insurance company. However the legal fees ended up costing over \$49,000. If the shop did not have insurance, the owner would have had to pay this out of his own pocket.

What can be learned from this story? Should the shop have posted a sign stating their policy was “No stiletto heels?” I don’t think so. Did the checked tiles make a person dizzy? Not likely. I don’t think that any reasonable person would have foreseen the combination of the checked floors and the stiletto heels would lead to a claim. The second stiletto heel claim was again in a tattoo shop. The woman tripped and fell outside the front door and blamed it on the shop. Why, I have no idea, but that is the fact of the matter. Could anyone have predicted this would have happened? Only if they had some psychic abilities which as far as I know none of my tattoo shop owners have or anyone else I know for that matter. The sidewalk outside the shop was in safe condition so no one, except the stiletto heel wearer, could accuse the shop owner of negligence. In fact it was probably the responsibility of the landlord, but the landlord argued that she was not responsible for who came into the shop, a valid argument. All of these reasonable arguments did not stop the shop from getting a lawsuit. The insurance company ended up paying the woman about \$2000 for her medical injuries, after paying \$13,500 in investigation and defense costs. Bad luck happens – it has nothing to do with how good of a tattooer you are or how good the artists or piercers in the shop are.

The third claim we had with stiletto heels ended up costing the insurance company. This woman with stiletto heels was walking at the back of the shop, (who knows why) and tripped over a low lying chair and fell. There was some rather small percentage of negligence on the part of the shop because the chair should not necessarily have been there. Thus our insurance company ended up settling the claim for over \$70,000, not counting legal fees. In almost every claim we have, stiletto heels or not, the shop owner is never 100% to blame. This is true of most accidents you ever hear about. The law does not require that you be 100% liable to award damages to the “injured” party. The carrier chose not to fight this in court due to the fact those legal fees would have cost well over \$70,000 and there was some indication the chair was not normally in that spot.

The lessons to be learned from all of these instances are that all businesses have to be as carefully run and organized as possible. For those instances when there is either a.) bad luck or b.) women in stiletto heels, the only way to really protect yourself is with liability insurance. It is a much smaller price to pay than at least \$50,000 to \$100,000 in legal and indemnity costs that might accrue from bad luck. ★