



## ***THE ENABLERS***

***By***

***Andrew P. Sutor***

It is an unfortunate, but a rather sad fact of life that many innocent American citizens are seriously injured or otherwise significantly harmed while participating as lawful business customers on the premises of largely unprotected dangerous properties throughout the land, especially in unsafe hospitality industry venues.

How can this happen in this modern day of technology and information you may ask? The simple fact of the matter is that many Defendants have come to understand that providing requisite “*professional security*” to protect customers and employees from the dangerous, but quite foreseeable risk, is expensive. Far too often greedy owners and operators have their willing “bean-counters” and security managers make drastic reductions in security budgets, thereby undercutting the reasonable level of security required to provide for a minimum standard of care to protect their vulnerable customers and guests. This often happens even though the Defendants have a legal and moral, I might add, duty to do so.

You see, security department budgets are recorded as an expense item on the offending Defendant’s profit and loss (P & L) statements. Many would rather take those risky, but immediate and certain, expense cuts with a desire to improve margins and profits. Bigger bonuses could come later! Thus, like in many such matters, it is all about the money. Sometimes the public pays a very high price for this short-sighted perfidy on the part of far too many Defendants.

Thus, what often occurs in such instances is the particularly despicable practice of “willful ignorance” by Defendants, which is part and parcel of ignoring the actual foreseeable risk facing your client. Another significant impediment to achieving appropriate justice and compensation for your client is the unethical practice of “spoliation of evidence” which is far too often widespread and pervasive in many such cases. How do they think they can get away with it?

Enter, “*The Enablers*”, oftentimes, a cabal of willing, cunning, and crafty defense lawyers, coupled with corporate “spin meisters”, forgetful and uniformed “know-nothing” DCRs, “hired gun” defense “experts”, heartless insurance representatives and others who frequently employ “every trick in the book” to thwart justice.

Collectively, this cold-hearted group, from “the dark side” are those that regularly ignore and deny relief to injured victims. They usually “represent the damned” and operate secretly behind the scene. They are akin to the “man behind the curtain” from the “Wizard of Oz” movie classic as illustrated in the above photo. They operate from behind the screen and actually “pull the levers” to deny justice. Commonly, as their “stock in trade”, they utilize obfuscation, delay, and undue denial as unprincipled tactics to achieve their purpose and help Defendants escape from paying for the consequences of their negligence.

As an example of “*Enabler*” initiated delays and proof of the principle, “*Justice delayed is justice denied*”, experience has shown that sometimes cases involving elderly plaintiffs are delayed and procrastinated for so long that the plaintiffs never live long enough to be compensated. To cite an example from another case of mine, a widow was denied wrongful death compensation until after a billion-dollar company went into bankruptcy, when she wound up with a penny on a dollar!

It gets worse. Sometimes important records and reports important to the matter at hand get “lost”, especially security camera film clips that could prove to be damaging (Spoliation of Evidence). Reasonable requests in discovery are often replied to as being, “*vague, overly broad, and unduly burdensome.*” Other untoward activity and highly questionable tactics are implemented by the dark side including chicanery, threats, intimidation, and failure to pay for depositions. This expert has observed this first hand and can attest to all kinds of these shenanigans.

When litigating these matters, oftentimes it is a case of “David v Goliath” with large legal defense firms “running up the bill” in defending the indefensible perpetrated by the “deep-pocket” big-time corporate operators whose negligence was the proximate cause of your client’s injuries in the first place. More often than not it is the plaintiff’s counsel who is on the “side of the angels” in seeking justice for the injured little guy.

It has been said that the statue of the “*Lady Holding the Scales of Justice*” is blindfolded to illustrate impartiality, but others have suggested it was to prevent her from seeing injustice. Sadly, sometimes Goliath prevails and justice is lost. For example, even though it is not a civil matter, does any honest and reasonable person on this planet think that O.J. did not kill Nicole and Ron? Obviously, some from the dark side do. Please take note that it took a follow-up civil procedure by a capable plaintiff’s attorney for the Goldman family to finally prove the O.J. case. Some of these anti-truth goings on in the judicial process and in our courts are enough to make Aletheia, the Greek Goddess of truth, shed a tear.

Apparently, the “Enablers” never give up, even after a law suit that did not go their way. Remember how they vilified and besmirched the attorneys and New Mexico civil jurors in the notorious “*Woman Wins \$2.7 Million for Spilled Coffee*” case? After the matter of “Liebeck v McDonald’s” was litigated the dark side engaged in a highly negative propaganda campaign designed and funded by special interests in big business and the insurance industry to debase and weaken our civil justice system.

To off-set and counter the potential harm to your case caused by the deceiving “Enablers”, plaintiff’s counsel needs the advice, assistance and support of an experienced, “stand-up” expert who, like you, is an advocate for justice. Your case requires a partner in the pursuit of justice who can help get to the truth of the matter at hand and, ultimately, bring your case to a successful conclusion.

*Andrew P. Sutor is a Principal at Sutor & Associates, LLC, which provides professional security consultation and expert witness services for law firms and attorneys pursuing premises liability and negligent security cases. He can be reached at [apsutor@comcast.net](mailto:apsutor@comcast.net) or at 609.822.2626*