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Elderly Couple Sues Tap & Still in St. Thomas After Alleged Hazardous Step Causes Fall

The couple claims that H&M Holdings, Tap & Still's operator, failed to address a dangerous condition, leading to multiple injuries for Mr. Horwitz and a loss of companionship for Mrs. Horwitz.

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Tap & Still in St. Thomas, USVI

Herbert and Iris Horwitz have filed a civil lawsuit against H&M Holdings LLC, the company operating Tap & Still in Havensite, St. Thomas.

The couple alleges that while dining at the restaurant on February 3, 2023, Mr. Horwitz stepped onto a broken step at the entrance as they were leaving, causing him to lose his balance and fall. According to the claim, he sustained injuries to his head, right shoulder, right elbow, right wrist,

hand, both knees, and lower back.

According to the lawsuit, nobody from the restaurant initially came to Mr. Horwitz's assistance. Instead a fellow patron helped him up. When that customer requested paper towels and bandages to attend to Mr. Horwitz's wounds, the lawsuit claims that again, none of the several employees offered help to the 80-year old bleeding man.

Eventually, an employee of Tap & Still reportedly came forward and apologetically offered Mr. Horwitz "what appeared to be a dirty bandage," the civil claim states. That employee also reportedly disclosed that the restaurant knew that the step could be a problem, and said that similar incidents have occurred in the past because of the broken step. At the time of Mr. Horwitz's fall, he claims there was no signage warning of the potential for injury, nor was there tape, or cones placed to cordon off the area.

Upon leaving the restaurant, the Horwitz's sought care for Herbert's injuries, first purchasing bandages and antiseptics from a pharmacy and attempting to treat him at the residence in which they were staying. However, due to the elderly man's increasing pain, they called some medical practitioners for advice and then drove to the hospital for professional care.

At the Schneider Hospital, Mr. Horwitz's wounds were cleaned and bandaged, he was x-rayed, and ultimately given a tetanus shot and pain medication. A private doctor also provided Mr. Horwitz with a wrist and hand brace, but the pain was too much for him to attend the function on St. John for which the couple had traveled, the lawsuit claims.

Even after returning to Florida, Mr. Horowitz has continued to require medical treatment and physiotherapy. His injuries have reportedly impeded his ability to drive and care for himself. He is unable to fully participate in his chosen recreational activities, and as the lawsuit claims, had to decline a lucrative work trip as an insurance adjuster because of the injuries from the fall.

The Horwitz's have asked the court to find that there was a negligent failure to correct a dangerous condition at the restaurant, a negligent failure to warn, and a failure to supervise. The lawsuit also claims that Mrs. Horwitz has lost the companionship and support of her husband because of his injuries from the fall. They have asked for a jury trial, and to be awarded "all compensatory and consequential damages in an amount to be determined."

There has not yet been a response from Tap & Still/H&M Holdings.