

NEWS RELEASE

Arizona Supreme Court
Administrative Office of the Courts



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Arizona Supreme Court Rules that Businesses Have a Duty to Keep Stores Reasonably Safe

PHOENIX – The Arizona Supreme Court has today ruled that businesses must keep their stores reasonably safe for customers, and that a business owner’s duty to do so does not depend on whether a hazard is “open and obvious” or “unreasonably dangerous.”

This decision came in the case of *Perez v. Circle K Convenience Stores, Inc.* Roxanne Perez, a customer at a Circle K store, tripped over a case of bottled water placed on the floor and was injured. She sued the store, arguing it had failed to keep the store premises safe. The lower courts ruled in favor of Circle K, finding that because the case of water was an “open and obvious” hazard and therefore not “unreasonably dangerous,” Circle K had no duty to protect Perez.

Chief Justice Ann A. Scott Timmer, writing for a unanimous court, disagreed, stating that because Perez was a customer (or “business invitee”), Circle K had a legal duty to keep the store safe, regardless of whether the danger presented by the case of water was open and obvious. Whether the tripping risk presented by the case of water was open and obvious or unreasonably dangerous should be determined by a jury when deciding whether Circle K breached its duty to Perez. The Court therefore reversed the lower courts’ rulings and sent the case back to the trial court for further proceedings.

The Court’s decision has broad implications for businesses and legal practitioners handling negligence and premises liability cases. It reinforces that a business owner’s legal duty to keep its premises reasonably safe for the invited public exists whenever a customer visits the premises’ public areas.

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This summary is intended solely to notify the public about an Arizona Supreme Court opinion. It is not to be considered an official commentary by the Court or any member of the Court, nor may it be cited as legal authority for any reason or purpose. The full opinion is available [here](#) for those seeking details about the Court’s reasoning. You can also view a brief video explanation of the summary [here](#).

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