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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

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CLIFFORD H. SAMUELS, JR.,	)	
Plaintiff-Appellant,	)	
vs.	)	
ADHESIVE COMPOUNDERS, INC., and F. M. HUBBELL, SON & CO., INC.,	)	8-423 87-1107
Defendants-Appellees.	)	

Appeal from the Iowa District Court for Polk County (No. 57-33589) - Ray Hanrahan, Judge.

Plaintiff appeals after an adverse jury verdict in a negligence suit. **AFFIRMED.**

Allan H. Rauch, Des Moines, for plaintiff-appellant.

Thomas Henderson, of Whitfield, Musgrave & Eddy, Des Moines, and A. Roger Witke, Des Moines, for defendants-appellees.

Considered by Donielson, P.J., and Sackett and Habhab, JJ.

SACKETT, J. 137

We are asked to decide whether the trial court properly instructed the jury as to the duty owed to a business invitee in a slip and fall case. We determine the jury was properly instructed and affirm the trial court.

Plaintiff-appellant Clifford H. Samuels, Jr., a business invitee on the premises of defendants-appellees Adhesive Compounders, Inc., and F. M. Hubbell, Son & Co., Inc., claimed he fell on defendants' premises because the defendants were negligent:

> A. In allowing a foreign substance to accumulate on the floor, causing the floor to become slippery and dangerous to persons working on the premises.
> B. In failing to warn the plaintiff of the slippery and dangerous condition of the floor.

After trial the jury returned a verdict in defendants' favor.

Plaintiff contends the trial court erred in not including the following requested instruction:

> Invitees are limited to those persons who enter or remain on land upon an invitation which carries with it an implied assurance that reasonable care has been used to prepare the premises an make them safe for their reception.

The trial court did instruct on business invitees as follows:

> The basic rule of law is that the possessor of real estate is under a duty to use reasonable care to keep his premises safe for use by invitees. This standard of care does not require the premises to be free from all conditions that could possibly cause harm so as to guarantee or insure the safety of all invitees, but a possessor

of real estate is liable for physical harm to invitees caused by certain conditions existing on the premises if he fails to use reasonable care to protect invitees from harm therefrom, in accordance with the following rules.

The duty of the possessor of real estate to an invitee by reason of a condition on the premises does not arise until the possessor (a) knows or by the exercise of reasonable care would discover the condition and should realize that it involves an unreasonable risk of harm to an invitee, and (b) should expect that the invitee, as a reasonable and prudent person, will not discover or realize the danger or will fail to protect himself against it.

When such a duty arises the possessor must then exercise reasonable care to protect the invitee from the danger either by eliminating the condition or by warning the invitee of the danger.

However, as to a condition on the premises whose existence and danger is known or obvious to an invitee, the possessor is under no duty to an invitee with respect to such condition unless the possessor, as a reasonable and prudent person, should anticipate harm to the invitee despite such knowledge or the obviousness of the condition. In anticipating harm to an invitee under such circumstances, the possessor has a right to assume an invitee will act as a reasonable and prudent person.

* * *

In applying the above rules of law to this case, you are instructed that you must first determine from all of the facts and circumstances disclosed by the evidence the actual conditions existing on defendants' premises at the time of the incident involved herein.

If you then find from the evidence (1) that the defendants knew or by the exercise of reasonable care would have discovered the particular condition and should have realized that it involved an unreasonable risk of injury to a person in the position of the plaintiff, and (2) that the condition was such that a person in the position of the defendants should expect that the plaintiff would not reasonably discover or realize the danger, or would fail to protect himself against it, and (3) that the defendants failed to exercise reasonable care to protect the plaintiff in any of the particulars alleged by the plaintiff, then the defendants would be negligent.

The care required of the defendants is to be determined and measured by the care exercised by a

reasonable and prudent person acting under like circumstances.

The trial court is not required to word jury instructions in any particular manner so long as the instruction correctly states the applicable law. State v. Morrison, 368 N.W.2d 173, 175 (Iowa 1985); Schuller v. Hy-Vee Food Stores, Inc., 407 N.W.2d 347, 351 (Iowa App. 1987). We look at all the instructions together to determine whether the issues were adequately addressed in the instructions given. Miller v. Eichhorn, 426 N.W.2d 641, 645 (Iowa App. 1988).

Having applied these principles to the present case, we find the trial court's instructions fairly submitted to the jury the issue regarding the duty owed to business invitees. We determine the instructions given adequately instructed on the duty owed an invitee. See Hanson v. Town and Country Shopping Center, Inc., 259 Iowa 542, 547-49, 144 N.W.2d 870, 874-75 (1966).

AFFIRMED.