



Perez v. Circle K Convenience Stores, Inc. (2025)

Key Issue: Whether an "open and obvious" danger eliminates a property owner's duty of care.

In this case, Roxanne Perez tripped over a case of water placed at the end of an aisle in a Circle K. The trial court and the Court of Appeals originally ruled in favor of Circle K, reasoning that because the water was "open and obvious"—meaning a reasonable person should have seen it—Circle K owed no duty to protect her from it. This followed a long-standing (though often confused) trend of using the obviousness of a danger to dismiss cases before they ever reached a jury.

The Arizona Supreme Court reversed these decisions, clarifying a fundamental rule of negligence. The Court held that the "open and obvious" nature of a hazard is a question of **breach of duty** (whether the store acted reasonably), not a question of **duty** itself. Because Perez was a "business invitee," Circle K had an automatic legal duty to maintain a safe environment.

By separating "duty" from "breach," the Court ensured that most premises liability cases cannot be thrown out by a judge simply because a hazard was visible. Instead, a jury must now decide if the store was negligent in placing the item there and if the plaintiff was also negligent (comparative fault) for not seeing it.

Application: This is a major win for plaintiffs. It prevents defendants from using the "open and obvious" defense to obtain summary judgment (dismissal) early in a lawsuit. It moves the argument from "Does the law require the store to care?" to "Did the store act reasonably?", which is a factual question that almost always requires a jury trial.