

Barbour County Jury Returns Defense Verdict After One Hour Deliberation

On July 19, 2008, Plaintiff fell as she was walking into Defendant grocery store. As a result of the fall, Plaintiff suffered a severely fractured elbow, which ultimately had to be surgically reconstructed and supported with metallic hardware. Plaintiff sued Defendant alleging that it acted negligently and wantonly by failing to maintain its premises in a reasonably safe condition.

Before and during trial, Plaintiff presented conflicting evidence with regard to how the accident occurred. Plaintiff ultimately alleged that she was made to fall because (1) the access ramp she was walking on at the time was not maintained to code and (2) the grocery store created a hazardous condition by placing an ashtray can in the middle of the walkway. Plaintiff produced expert testimony that the ramp and other features of the front entrance of the store were not built to code and, as such, were inherently hazardous. Plaintiff also argued that Defendant violated its own safety procedures and protocols by failing to inspect the area.

Defense attorneys T. Kent Garrett and R. Brett Garrett countered by pointing out the inconsistencies in Plaintiff's evidence regarding how the accident occurred. Defendant also produced expert testimony that the ramp was, indeed, built to code, and was not at all hazardous. Defendant's expert further testified that City building officials reviewed and approved the construction plans for the ramp and walkway years before the accident occurred and determined that the design was safe and appropriate. In addition, Defendant testified that hundreds of thousands of customers have passed through the area where the fall occurred since the store opened for

business, and that Plaintiff was the only person who had ever been injured as the result of a fall.

Plaintiff asked the jury to award her \$500,000.00 in damages. The jury deliberated one hour before returning a verdict in favor of Defendant.