

Missouri Lawyers

www.molawyersweekly.com

WEEKLY

■ \$600,000 VERDICT (REDUCED TO \$420,000 BY ALLOCATION OF FAULT)

Jury awards \$600K to gas station patron after fall on wet floor

PERSONAL INJURY

■ **Venue:** Morgan County Circuit Court

■ **Case Number/Date:** 15MG-CC00035/Aug. 9, 2017

■ **Judge:** Peggy Richardson

■ **Plaintiff's Experts:** Sonny Bal, Columbia, (medical); Jonathon Strong, Jefferson City, (medical)

■ **Allocation of Fault:** 70 percent to defendant/30 percent to plaintiff

■ **Caption:** Diana Buchanan v. Gier Oil Company, Inc.

■ **Plaintiff's Attorneys:** Mark A. Cantor and Nathan W. Davis of Cantor Injury Law, St. Louis

■ **Defendant's Attorneys:** Rebecca Cary and Nicholas Childress of Childress Ahlheim Cary, St. Louis

BY DAVID BAUGHER
Special to Missouri Lawyers Media

A woman injured in a fall after an employee cleaned outside the restroom she was using will take home a six-figure award from a Morgan County jury.

"While she was in the bathroom, an employee of Gier Oil mopped the floor in front of the bathroom," said Mark Cantor of Cantor



Mark Cantor

Injury Law. "He didn't knock on the door or give her any notice that the condition of the floor had changed."

Cantor said the May 2014 incident resulted in severe injuries to the left leg of his client Diana Buchanan, who required a knee replacement and ankle surgery.

He said Buchanan had apparently passed a wet floor sign on the way in but the floor itself was dry at the time.

He alleged that Gier didn't follow its own safety protocols, didn't have enough signs out, didn't mop the store in sections, and didn't wring the mop out which resulted in too much water being on the floor. He also said



Nathan Davis

the employee in question was near the end of her shift.

"This girl was mopping quickly because she's not going to get any money after noon," he said.

The fall was caught on the Versailles store's video camera though Cantor said the view was partially obscured by a merchandise rack.

He said the defense argued the sign constituted sufficient warning though his client didn't recall seeing the signage.

"She says she must have seen it because it was right there," he said. "But it didn't mean anything to her because the floors were bone dry."

The jury found \$600,000

in damages although they awarded 30 percent of the fault to the plaintiff, leaving a reduced award of \$420,000.

Cantor said that he was confident in a win from the beginning although he was unsure what amount a jury might award. Based on mock juror focus groups, he estimated the number at \$250,000 to \$300,000 and was pleasantly surprised to see the actual result exceed that total. He said 43 of 50 mock jurors ruled in his client's favor.

Cantor listed the final pretrial demand at \$600,000. Rebecca Cary of Childress Ahlheim Cary, which represented the defendant, remembered the final demand figure as \$675,000. Both agreed the final pretrial offer was \$175,000.

Cary declined further comment on the case.

Nathan W. Davis from Cantor's firm assisted him in the matter while Nick Childress from Cary's firm assisted her on the defense. mo