

The Last Brent Travelsted Verdict - July 2012

4802 - Hotel Negligence - A toddler who was eager to visit a hotel pool opened a second floor window and fell out – he sustained an open fracture to his femur – the boy blamed the hotel for having windows that fully open and his grandmother (who was in the bathroom) for failing to supervise him

Butrum v. Ramada Inn et al, 10-718

Plaintiff: Brent Travelsted, *Hughes & Coleman*, Bowling Green

Defense: Benjamin L. Riddle and Robert T. Watson, *McBrayer McGinnis Leslie & Kirkland*, Louisville for Ramada Inn

Beth A. Lochmiller, *Coleman Lochmiller & Bond*, Elizabethtown for Butrum defendant

Verdict: \$283,386 for plaintiff

assessed against Ramada Inn only; Defense verdict for Butrum defendant

Court: **Warren**, J. Grise, 7-20-12

It was 8-15-08 and Allen Butrum, then age 3 ½, visited Kentucky from San Antonio, TX for a family wedding. He was accompanied by his grandmother, Terrie Butrum. After a day at world famous Dinosaur World near Mammoth Cave, grandma returned to the Ramada Inn hotel in Bowling Green.

Little Allen was eager to go to the hotel swimming pool. Grandma assured Allen she would take him as soon as she went to the bathroom in their room. Allen couldn't wait that long.

By some method (it is not clear), Allen was able to open the hotel window. He climbed out and fell to the ground two stories below. The fall left him with an open fracture of his femur. Taken to the hospital in Bowling Green, a CT scan showed a possible skull fracture.

Allen was then life-flighted to Vanderbilt. It turned out there was no skull fracture or head injury at all. The leg fracture was set with two pins. Allen later underwent two separate repair surgeries. Allen has enjoyed a complete recovery. His medical bills were \$103,228 and he sought \$19,333 more for future care. Pain and suffering was limited to \$2,000,000.

In this lawsuit prosecuted by his mother, Allen sought damages from two defendants. The first was Ramada Inn. The theory was that the hotel shouldn't have had windows that opened more than six inches. The plaintiff's expert, Lloyd Abdoo, Carrollton, KY (and a long-time motel operator) testified the industry standard required a window with a locking device. Allen also sued his grandmother, blaming her for leaving him unattended long enough to open a window and fall out.

Grandma's defense of the case was simple enough – there was no negligence in leaving the boy on the hotel bed while she went to the bathroom.

Ramada also defended the case and relied on its hotel expert, Kenneth Free, California. Free explained there was no violation of the industry standard of care – he also noted an internal maintenance code that required that these sorts of windows open as a means of egress in case of fire. Free also implicated grandma's supervision.

Abdoo for the plaintiff countered Free's opinion and noted that in his 35 years of hotel experience, he had never seen a hotel evacuation plan that suggested guests should jump out of the window. Allen also made much of the fact that Free's opinions didn't come cheap – he was paid some \$18,000 in the case.

This jury in Bowling Green found Ramada Inn solely at fault. It rejected the negligent supervision claim against grandma. Then to damages, the boy took his medicals as claimed plus \$5,158 for other expenses. His pain and suffering was \$175,000. The verdict totaled \$283,386 and a consistent judgment is expected.