

Affirmed on Appeal - January 24, 2013

4845 - Premises Liability - As the plaintiff walked out of a motel in Paintsville, she slipped on a smooth and glossy tile floor – the fall left her with an injury to both her feet

Wright v. Ramada Inn, 11-299

Plaintiff: Warren A. Taylor, Hazard

Defense: James G. Womack, *Embry*

Merritt Shaffer Womack, Lexington

Verdict: Defense verdict on liability

Court: **Johnson**, J. Preston,
7-18-12

Connie Wright, then age 50 and a preschool teacher from Whitesburg, attended an education conference in Paintsville. It was held on 6-15-10 at the Ramada Inn. As she walked out at lunchtime, Wright navigated a tile floor. It was made of a reddish brick tile.

Wright slipped on the tile and fell to the floor. She has since treated for soft-tissue ankle and foot pain. The symptoms persisted and Wright reports she still has bilateral foot pain – she has described it as shifting between a dull ache and sharp pain. Her medical bills were \$17,408 and lost wages totaled \$15,497. She claimed \$350,000 for pain and suffering.

In this lawsuit Wright alleged the premises were not reasonably safe, the surface of the floor having a slick, glossy and glazed finish. Her architect expert, Michael Johnstone, Asheville, NC, was critical of the tile's slick propensities. Ramada Inn denied the floor was unsafe and noted that at the time of the fall, the floor was neither wet nor otherwise covered with a foreign substance. Ramada Inn further defended that whatever the condition of the tile floor, it was open and obvious.

The jury's verdict was for Ramada Inn on liability and Wright took nothing. [The court's liability interrogatory incorporated open and obviousness language.] A defense judgment was entered. The record indicates the motel's offer of judgment had been for \$2,500.