

BACKGROUND FACTS

7. On May 30, 2024, Plaintiff Brian Meyl entered the Walmart store located at 1310 N. Fraser St., Georgetown, SC 29440, as a lawful business invitee.
8. While exiting the store via the Garden Center, Plaintiff encountered a large standing puddle of water obstructing the designated pedestrian crossing.
9. There were no warning signs, barriers, cones, or employee supervision alerting Plaintiff Brian Meyl to the hazard.
10. As a result, Plaintiff slipped and fell violently, landing on his right hand, hip, and knee, sustaining a non-displaced distal radius fracture confirmed by diagnostic imaging.

FOR A FIRST CAUSE OF ACTION
(Negligence as to Defendant Walmart Inc.)

11. Plaintiff Brian Meyl realleges and incorporates the foregoing paragraphs.
12. Defendant Walmart Inc. owed Plaintiff a duty to maintain its premises in a safe condition, free of foreseeable hazards to invitees.
13. Walmart breached its duty by:
 - a. Failing to repair known drainage defects;
 - b. Allowing hazardous standing water to accumulate in a pedestrian pathway;
 - c. Failing to warn or restrict access to the hazard;
 - d. Failing to implement inspection and maintenance procedures for outdoor safety hazards.
14. As a direct and proximate result of Defendant Walmart Inc.'s negligence, Plaintiff Brian Meyl suffered serious physical injury, pain, medical expenses, and emotional distress.

FOR A SECOND CAUSE OF ACTION
(Negligence as to Defendant Latrina Mccrea)

15. Upon information and belief, at all relevant times, Defendant Latrina Mccrea was the on-duty store manager (or department manager) of the Walmart store located at 1310 N.

Fraser St., Georgetown, SC 29440, responsible for ensuring the safety and maintenance of the store premises.

16. Upon information and belief, Defendant Latrina Mccrea exercised daily supervisory authority over Defendant Walmart Inc. employees, including directing their premises hazard inspection, hazard identification, and maintenance duties in general.

17. Upon information and belief, Defendant Latrina Mccrea had the authority and responsibility to enforce Walmart, Inc. policies and procedures regarding premises inspections, hazard identification, and hazard response within the store.

18. Upon information and belief, Defendant Latrina Mccrea was responsible for the scheduling, supervision, and training of employees assigned to maintain customer areas in a clean and hazard-free condition, including the prompt removal of debris, foreign substances, and other slip or trip hazards.

19. Upon information and belief, Defendant Latrina Mccrea was responsible for ensuring that safety inspection logs, daily checklists, and hazard reports were accurately completed and properly followed in accordance with Defendant Walmart's internal safety procedures.

20. Upon information and belief, Defendant Latrina Mccrea had actual or constructive knowledge of repeated water accumulation at or near the Garden Center exit, and failed to take reasonable steps to inspect for or correct such conditions.

21. Upon information and belief, Defendant Latrina Mccrea was directly responsible for overseeing the inspection and maintenance of the premises, and possessed the authority to initiate immediate corrective action to address any identified safety hazard, including the condition at issue.

22. Upon information and belief, Defendant Latrina Mccrea had the authority and responsibility to discipline or remove employees who failed to comply with Defendant Walmart's policies regarding hazard identification, floor safety, and customer injury prevention.

23. Upon information and belief, Defendant Latrina Mccrea, as part of her regular managerial duties, was required to ensure that all areas accessible to customers, including the exterior pedestrian walkways, were reasonably safe for use by business invitees such as Plaintiff Brian Meyl.

24. Upon information and belief, Defendant Latrina Mccrea negligently failed to ensure that the subject area was inspected, maintained, or otherwise made safe on May 30, 2024, allowing water to accumulate in a location known to present a recurring hazard to customers.

25. Upon information and belief, Defendant Latrina Mccrea knew or, through the exercise of reasonable care, should have known that the presence of water in a high-traffic area posed a significant risk of serious injury, and failed to act with due care to prevent such foreseeable harm.

26. Upon information and belief, Defendant Latrina Mccrea, by virtue of her supervisory authority and control over store operations and safety practices, owed an independent duty to Plaintiff to maintain safe conditions and to prevent dangerous hazards within her area of control.

FOR A THIRD CAUSE OF ACTION
(Negligence as to Defendant WAL-MART REAL ESTATE BUSINESS TRUST)

27. The Paragraphs set forth above are reiterated and realleged as though set forth verbatim.

28. Defendant WAL-MART REAL ESTATE BUSINESS TRUST owned and/or controlled the subject premises and owed a non-delegable duty to maintain the property in a safe condition.

29. Upon information and belief, Defendant WAL-MART REAL ESTATE BUSINESS TRUST was negligent in failing to:

- a. Inspect or repair the defective drainage system;
- b. Permitted tenant Walmart to operate on unsafe surfaces;
- c. Failed to enforce lease safety provisions or conduct maintenance audits.

30. Upon information and belief, Defendant WAL-MART REAL ESTATE BUSINESS TRUST'S negligence was a direct and proximate cause of Plaintiff Brian Meyls's injuries.

DAMAGES

31. As a result of the above Defendants' negligence, Plaintiff sustained:

- a. A fractured right wrist (distal radius);
- b. Temporary dependence on others for household functions.
- c. Pain, swelling, limited mobility, and disruption to daily activities;
- d. Emotional distress, including fear of re-injury and loss of confidence in public movement;
- e. Medical expenses incurred for evaluation, imaging, treatment, and follow-up care.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the Defendants jointly and severally for actual damages, plus punitive damages to be determined by a competent jury, for the costs of this action, and such other and further relief as this Court might deem just and proper.

Respectfully submitted,

HARMON AND FELTS, PA

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