

Bof

FILED IN CLERKS OFFICE
JEFFERSON CIRCUIT OF

COMMONWEALTH OF KENTUCKY
JEFFERSON CIRCUIT COURT 28 FEB 12 35
DIVISION 12
CIVIL ACTION NO. 14-CI-02843-13

PEGGY MUDD

PLAINTIFF

VS.

JUDGMENT ON VERDICT

COMMUNITY CAPITAL CORP. D/B/A COMMUNITY
CAPITAL, CROSSLAND PROPERTIES, LLC, AND ALBIN
USED CARS I, LLC D/B/A COMMUNITY CAPITAL

DEFENDANTS

*** **

On Tuesday, February 7, 2017, the above-entitled cause came on to be heard for trial by jury. Plaintiff and Defendant appeared both in person and by and through their counsel and announced ready for trial. A jury was thereupon selected, composed of 13 qualified persons, and such jury was impaneled and sworn. The parties presented evidence for 2 ½ days.

After having heard the testimony, the instructions of the Court, and closing argument from counsel, the jury retired for deliberation and returned in open court the following verdict:

INSTRUCTION NO. 2

It was the duty of Defendants Community Capital Corp., Albin Used Cars I, Crossland Properties, LLC, and its employees to exercise ordinary care to maintain and keep its premises in a reasonably safe condition for the use of its customers, including the Plaintiff.

You will find for the Plaintiff if you are satisfied from the evidence as follows:

- a. That the Defendants' premises were not in a reasonably safe condition for

the use of the Defendants' customers including the Plaintiff; **AND**

b. That in the exercise of ordinary care the Defendants should have anticipated that the Plaintiff would not have noticed the step at the doorway over which she fell; **AND**

c. That such condition was a substantial factor in causing the Plaintiff's injuries.

Otherwise, you will find for the Defendant.

INTERROGATORY A

Do you believe from the evidence that the Defendants' premises were not in a reasonable safe condition for the use of the Defendants' customers, which includes Peggy Mudd?

AND

Do you believe from the evidence that the Defendants should have anticipated that Peggy Mudd would not have appreciated the step outside the exit door of Defendants' premises over which she fell?

AND

Do you believe from the evidence that such condition was a substantial factor in causing Peggy Mudd's injuries?

YES _____ NO _____

If you answered "YES" above, proceed to the next instruction.

If you answered "NO" above, proceed no further with these instructions and interrogatories, and return to the courtroom.

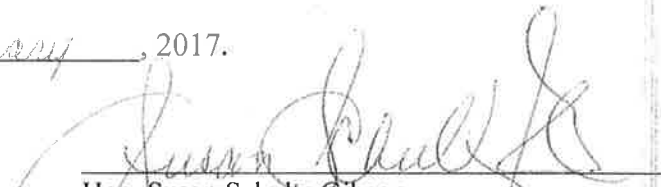
/s/ Foreperson
FOREPERSON (IF UNANIMOUS)


After receiving said verdict the Court did ask if counsel wanted to poll the jury with respect to their verdict. Counsel declined. The verdict of the jury was received and filed by the Court.

Wherefore, by virtue of the law and on the verdict of the jury, it is hereby ORDERED, ADJUDGED and DECREED that Judgment is hereby ENTERED in favor of Defendants, Community Capital Corp. d/b/a Community Capital, Crossland Properties, LLC and Albin Used Cars I, LLC d/b/a Community Capital. Plaintiff Peggy Mudd shall recover nothing from the Defendants. The Defendants shall recover from the Plaintiff their costs and disbursements incurred in this action as allowed by law.

This is a final and appealable Judgment, there being no reason for delay.

Dated this the 28 day of February, 2017.


Hon. Susan Schultz Gibson
Jefferson Circuit Court
Division 12

Prepared and tendered by:

Ashley K. Brown
J. Tucker Willis
Counsel for Defendants

ENTERED IN COURT
DAVID L. JEFFERSON, CLERK
MAR 1 2017
BY _____
DEPUTY CLERK