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CIVIL ACTION NO. 22-CI-00654

BARREN CIRCUIT COURT

MEDIA5022

**ELECTRONICALLY FILED**

ALAN HAPNEY

PLAINTIFF

v.

YANCEY'S GASTROPUB AND BREWERY, LLC

DEFENDANT

**DEFENDANT, YANCEY'S GASTROPUB AND  
BREWERY, LLC'S, PRETRIAL COMPLIANCE**

Comes the Defendant, Yancey's Gastropub and Brewery, LLC, by counsel, and for its pretrial compliance, state as follows:

**I. FACTS**

The plaintiff, Alan Hapney, is alleging that the employees and owners of Yancey's Gastropub and Brewery, LLC negligently maintained, controlled, owned and operated the business located at 128 South Public Square, Glasgow, Kentucky which resulted in the plaintiff, Alan Hapney, falling down a set basement stairs which were adjacent to a rear entrance on or about February 26, 2022.

Yancey's Gastropub and Brewery, LLC is a pub restaurant and brewery operated in downtown Glasgow, Kentucky on the square. Jeffrey Jobe was the owner of Yancey's Gastropub at the time of

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this incident but unfortunately did not have any knowledge of a slip and fall occurring at his place of business.

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Prior to the incident on February 26, 2022 the plaintiff, Alan Hapney, had been a patron at Yancey's Gastropub on at least five or six occasions. According to Hapney, he would visit the facility at least once a month.

Prior to arriving at Yancey's, on the day in question Hapney had worked that morning at a liquor store. He left his work at approximately 12:00 p.m. After he left work, he played golf at Fox Hollow Golf Course on Rosevelt Road in Barren County, Kentucky. According to Hapney, he played eighteen holes.

Hapney left the golf course at approximately 4:00 p.m. Hapney admitted that he traveled to Yancey's in order to meet his son. Hapney arrived at Yancey's at approximately 6:00 p.m. and parked in the back of the restaurant. Hapney usually parked in the back when there was not a place to park on the square. According to Hapney it was already dark when he arrived at the restaurant.

Hapney parked his vehicle and walked to the back entrance. Hapney did not have any problems walking from his car to the back entrance.

When Hapney entered the restaurant, he stopped to go to the bathroom before walking further into the restaurant. Hapney walked to the men's restroom and it was locked. Hapney waited

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for several minutes and then he went looking for some place else to go to the bathroom. Hapney admitted in his deposition testimony that he was looking for someplace "to relieve myself". Hapney did not knock on the men's restroom to see if someone was in the restroom or perhaps the door was locked accidentally. Hapney indicated that there were four or five women waiting in line for the ladies restroom so he could not utilize the ladies restroom.

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When Hapney could not find a bathroom to use in the bar, he walked back out the back door and "looked around for a place to go". Hapney did not walk out into the parking lot, due to the fact that it was "too wide open". Hapney testified that when he exited the back door of the restaurant, the back door shut behind him.

It appeared to Hapney that to his right there was a place that looked like it was level ground. It was dark and there was a gate. Hapney did not open the gate at all, he just stepped through what he depicted in the picture as a gap. It was his opinion that beyond the gate was some type of porch or level ground. It was Hapney's intention to utilize the restroom on the level ground right behind the wall on the back of the building.

During his testimony, I questioned Hapney,

*QUESTION: So you thought it would be wise to go through an opening next to this rail, not*

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*knowing where you were going, and you saying  
it was dark, in order to use the restroom?,*

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*Answer: Correct*

Hapney stepped through the opening between the gate and the rail with his right foot, took one more step with his left foot and then when he took another step with his right foot "all hell broke loose".

Hapney fell all the way down the stairwell to a basement entrance. Hapney did not think he was under the influence of alcohol when he fell. Hapney did yell out "help" on one occasion but not very loud. Hapney had a cell phone with him in his back pocket but he indicated that he was not able to utilize his cell phone to call his son or anyone else.

Hapney eventually reached around in the dark and felt like what was a step and then crawled out on his hands and knees. Hapney crawled up to the top of the stairwell and walked into the back door of the restaurant. He exited the stairwell the same way he entered. He did not open the gate but simply squeezed through the gap between the gate and the post.

Hapney walked straight to the men's restroom in order to remove the blood that was on him. The men's restroom was locked. There were five or six ladies still waiting to utilize the women's restroom and one of them yelled at him to come into their restroom and the ladies helped him clean up.

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Hapney's son first transported Hapney to the TJ Samson Pavilion Medical Plaza but it was closed as a result, Brian Hapney transported his father in Hapney's vehicle to the emergency room at TJ Samson Hospital in Glasgow.

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## II. PROPOSED STIPULATIONS AND ADMISSIONS OF FACT

Defendant, Yancey's Gastropub and Brewery, LLC, will stipulate that the Plaintiff, Alan Hapney, was in an area that was not open to the public at the restaurant facilities.

## III. LAY WITNESSES

The Defendants, Yancey's Gastropub and Brewery, LLC, anticipate calling as lay witness in this matter the following persons:

- a. Jeff Jobe;
- b. Alan Hapney;
- c. Candy Reed;
- d. Chris Lannan;
- e. Trenton Ship;
- f. Hank Carnes;
- g. Brad Turner;
- h. Terry Hume;
- i. Brian Hapney;
- j. Representatives of the City of Glasgow of Building Inspectors at the time of this incident;

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- k. Medical Records Custodian and any and all medical providers for TJ Samson Hospital;
- l. Medical Records Custodian and any and all medical providers for The Medical Center in Bowling Green;
- m. Medical Records Custodian and any and all medical providers for KORT Physical Therapy;
- n. Medical Records Custodian and any and all medical providers for Graves Gilbert Clinic;
- o. Any and all lay witnesses listed by the Plaintiff's attorney;
- p. Any and all persons whom it may be necessary to call to rebut the testimony of any party and/or witness;
- q. Any witness whose testimony is necessary to authenticate or lay a foundation for any document or exhibit and the Defendant reserves the right to amend this witness list.

#### VI. INSTRUCTIONS

The Defendants, Yancey's Gastropub and Brewery, LLC, has filed its instructions in this matter.

#### V. EXHIBITS TO BE USED AT TRIAL

The Defendants, Yancey's Gastropub and Brewery, LLC, will provide all exhibits and mark same with counsel for the Plaintiff prior to trial.

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/S/ MICHAEL K. BISHOP **MEDIA5022**  
Attorney for Defendant, Yancey's Gastropub  
and Brewery, LLC.

MICHAEL K. BISHOP & ASSOCIATES, P.S.C.  
948 Elm Street  
P.O. Box 10088  
Bowling Green, KY 42102-4888  
Telephone: (270) 783-8044  
Telefax: (270) 783-8049  
E-Mail: [bishop@mikebishoplaw.com](mailto:bishop@mikebishoplaw.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing has been served electronically on the 10 day of December, 2024 to the following:

Justin B. May  
John M. Ritter  
4919 Dixie Highway, Ste. B  
Louisville, KY 40216  
e-mail: [jmay@dixielawgroup.com](mailto:jmay@dixielawgroup.com)  
e-mail: [jritter@dixielawgroup.com](mailto:jritter@dixielawgroup.com)

/S/ MICHAEL K. BISHOP