

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

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Comprehensive Statewide Jury Verdict Coverage

Civil Jury Verdicts

Complete and timely coverage of civil jury verdicts including circuit, division, presiding judge, parties, case number, attorneys and results.

Premises Liability - While walking on stairs on his way to the party room at a trampoline attraction, the plaintiff slipped on water that had been spilled three minutes and 10 seconds earlier (it was all caught on surveillance video) and suffered a tib-fib fracture - then in this lawsuit the plaintiff blamed the attraction for failing to maintain its premises and clean the spill hazard in those 190 seconds – the attraction argued that the plaintiff had just walked through the area moments earlier (walking up the steps and even stepping over the spilled water bottle) and moreover, 190 seconds was not enough time to trigger notice of the hazard

Sipe v. SKYistheLIMIT, 22-2252

Plaintiff: Tanner H. Shultz and Shea W. Conley, Lexington and Danielle R. Blandford, Louisville, all of *Morgan & Morgan*

Defense: Anthony M. Pernice, *Reminger Co., LPA*, Lexington

Verdict: Defense verdict on liability

Court: **Fayette**

Judge: Kimberly Bunnell

Date: 10-16-24

It was busy Friday night in Lexington at SKYistheLIMIT. It is a company that operates an indoor trampoline park. Seth Sipe, age 35 and who works as a corporate travel agent, arrived at SKYistheLIMIT to pick up his daughter who was attending a birthday party. He wasn't sure where she was and he began to look for her.

Sipe went to the party room at SKYistheLIMIT. It is located on the second floor up a set of stairs. Sipe walked up the stairs. As he did so, Sipe stepped over a discarded or spilled

water bottle. Moments before a little boy had knocked the water bottle off a ledge next to the steps. This was all captured on surveillance video.

Sipe's daughter was not in the party room. He reversed course down the steps. The water bottle was no longer present. A patron had removed it. However the steps were now slick with water from the spilled bottle.

Again and it was captured on surveillance video as Sipe slipped and fell on the steps. He suffered a tib-fib fracture in the fall. It was later surgically repaired by Dr. Jaideep Chunduri, Orthopedics, Lexington.

Because of the surveillance video, there was not only a clear picture of what happened but actually when it occurred. This timeline was important to the case. It is reproduced here:

7:24:11 p.m. – One of the children knocks the bottle of water onto the stairs.

7:24:18 p.m.– A patron picks up the water bottle and sets it back on the ledge.

7:24:41 p.m. – The child knocks the water bottle off the ledge again.

7:26:18 p.m.– Plaintiff sees the water bottle on steps and walks over it.

7:26:40 p.m.– A patron picks up the water bottle for the second time.

7:27:21 p.m. – Plaintiff walks back to the stairs and falls.

The sequence lasted three minutes and 10 seconds (190 seconds in all) from the initial spill until Sipe. This was an interesting case where the timing of the spill was certain.

From this set of facts, Sipe sued SKYistheLIMIT and alleged it had

Defamation - In this unusual case a salesman for a competitor company created an electronic flyer that defamed the competitor and then disseminated the flyer surreptitiously to vendors and customers, all of which actions damaged the competitor – that competitor (now the plaintiff) sued the salesman and sought defamation damages

American Sound and Electronics et al v. Van Meter, 20-1450

Plaintiff: Paul R. Boggs, III and Emily Brown, *JSB Attorneys*, Ft. Mitchell

Defense: Barry A. Rudell, II, *Markesberry & Richardson*, Cincinnati, OH

Verdict: \$1,965,000 for plaintiff

Court: **Kenton**

Judge: Mary K. Molloy

Date: 10-9-22

American Sound and Electronics is an audio-visual company located in Covington, KY. It is operated by Patrick Friend. American Sound produces high quality digital services for sophisticated customers including the Cincinnati Bengals and Kroger. A fierce competitor in the market with American Sound is Nor-Con.

A salesman for Nor-Con, Christopher Van Meter, harbored animus against American Sound. It was related to his friendship with a former American Sound employee and perceived slights in the market by Friend against Nor-Con.

Van Meter came into possession of photographs taken in jest at American Sound that showed a black employee with a Black Lives Matter t-shirt. The photos also depicted American Sound employees acting out the George Floyd incident.

Van Meter hatched a plan. He created an electronic flyer with the images and indicated American Sound was a racist company where

Please Review American Sounds Information.

American Sound And Electronics Inc.
Owner: Patrick Friend
1800 Russell Street, Covington, Kentucky 41014
Email ase@asei.cc
Phone Number: 859-261-9024
Email ase@asei.cc

Pictures captured here in our office at American Sound show the type of behavior and total disrespect that we are subjected to everyday. This is the wrong message and behavior in any workplace, also I think our customers deserve the respect & right to know who they have working for them. With everything going on right now this is the last thing we need. This is what's wrong with America today.

The pictures taken on this page was by Patrick Friend (Owner of American Sound) and he was the one that gifted the BLM shirt to his employee Mike McNulty.

Receiving the BLM shirt as a gift:
Mike McNulty
American Sounds
Business
Development
Manager

Wearing the BLM shirt and on his knees:
Mike McNulty
American Sounds
Business
Development
Manager

Wearing the American Sound job shirt while kneeling on the neck of the BLM supporter is an ex-police officer:
Jeremy Brown
American Sounds
Project Manager

A HIGH FIVE - REALLY!
They tried to blow it off like it was all good because they made some of us very uncomfortable, but the reenactment was exactly like the pictures showed. Total disrespect.

The hate and racism that comes from within the walls of this company, obviously it starts from the top down. There are some good people here but enough is enough!

The flyer in question

hatred was rampant. Van Meter then downloaded a program so that he could anonymously send the flyer by email without it being traced back to him. Finally on the evening of 9-18-20, Van Meter sent a blast email of the flyer to American Sound vendors and customers which included the Bengals and the Cincinnati NAACP. Van Meter then deleted evidence of the flyer from Nor-Con computers.

Friend heard about it the next day. He also heard from vendors and customers. In fact American Sound lost so-called "master vendor status" which prevented the company from bidding on several projects. This was linked to a financial loss of \$380,000. There was also proof vendors and customers stopped doing business with American Sound.

A month after the flyer was sent,