



Paul Jordan



Jackie Booker

Court of Appeals Affirms Directed Verdict in Premises Liability Case

In February 2019, an Adams County District Court Judge granted a directed verdict in favor of a retailer in a premise's liability matter. After two days of evidence, the retailer moved for directed verdict arguing there was no evidence presented of actual or constructive knowledge of a dangerous condition. In addition to pointing out that there was no evidence that the retailer had actual knowledge of any dangerous condition, Paul Jordan argued there was no evidence a dangerous condition should have been known to exist because the plaintiff failed to establish that the condition had existed for any period of time and was of such a nature that, in the exercise of reasonable care, such condition and its dangerous character should have been discovered. The Court agreed, relying on numerous cases in which summary judgment or directed verdicts were entered against plaintiffs for lack of evidence that the dangerous condition existed for sufficient time to put the landowner on constructive notice of a dangerous condition. Thus, Plaintiff's claims were dismissed, and the retailer prevailed.

Plaintiff subsequently appealed the directed verdict and various evidentiary rulings. Jackie Booker and Paul Jordan briefed the issues. On April 23, 2020, the Court of Appeals affirmed the directed verdict. In reaching its decision, the Court of Appeals found "the evidence raise[d] only the possibility of the occurrence of an event, the jury would have no real evidentiary foundation for determining that the event occurred." Thus, the Court held the trial court properly directed a verdict in favor of the retailer. With respect to the various evidentiary rulings, the Court of Appeals found excluded exhibits would not have had any bearing on the court's decision to grant a directed verdict. Thus, the exclusion of the exhibits was harmless.