



FAVORABLE JURY VERDICT

Colorado - Sutton | Booker

Ashley Larson and Jackie Booker defended a retail client in an admitted liability premises action in which the Plaintiff alleged an aggravation of her longstanding multiple sclerosis (MS) and a TBI. Plaintiff hit her head on the pavement when the back tire of her motorized scooter went into an open hole in a sidewalk, causing the scooter to tip over. The retailer admitted that it knew or should have known of a dangerous condition regarding an exposed tree well grate and failed to exercise reasonable care. Plaintiff sought over \$300,000 in past medical expenses, a \$6.4 million life care plan, over \$300,000 in past lost earnings, \$1.4 million in future earnings, noneconomic damages, and \$10 million in impairment damages. The Court

directed a verdict for the defendant on the plaintiff's claim for future loss of earnings at trial. The retailer admitted that the plaintiff had incurred \$50,955.25 in past medical expenses and disputed plaintiff's remaining damages. The retailer alleged plaintiff was comparatively negligent, failed to mitigate her damages, and that a post-incident kidnapping and sexual assault was a subsequent incident for which the retailer was not responsible. The jury awarded \$64,102 in economic losses, \$340,000 in noneconomic losses, and no impairment damages. The jury found plaintiff was 22% comparatively negligent, reducing plaintiff's recovery.

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