

KENTUCKY DEFENSE VERDICT

Ward
Hocker
Thornton

WHT attorneys Max Smith and Will Barker obtained a defense verdict in favor of Loving Care, Inc., in a jury trial on a negligent security claim in Jefferson County. Plaintiff was represented by Hans Poppe and Kirk Laughlin at The Poppe Law Firm. The Plaintiff was going to Greenwood Bingo Hall to meet her mother and sister for a game of midnight bingo put on by Loving Care, a non-profit caring for individuals with intellectual disabilities. When the Plaintiff parked her vehicle and opened the car door, an unknown male blocked her path out of the vehicle and demanded her money. The John Doe assailant forced her into the passenger seat and began to drive around Louisville. Throughout the course of the drive, the Plaintiff was sexually assaulted, but was later able to escape to safety.

At trial, Plaintiff was asking for \$9 million, \$5 million for pain and suffering and \$2 million in punitive damages from Loving Care, Inc., and Greenwood Bingo Hall. Plaintiff's main theory of the case was the Defendants created an environment for crime to occur and that it was foreseeable that a violent crime against a person would occur. Specifically, Plaintiff believed that Greenwood Bingo Hall should have installed and used security cameras, added additional fencing, added more windows around the building, and fixed alleged lights that were out in the parking lot. As for Loving Care, Inc., Plaintiff asserted that the security provided was insufficient and that in addition to the security guard it hired for its events, they should hire an additional guard to patrol the parking lot. Both Defendants argued that it was not foreseeable for any violent crime against a person to occur in the Greenwood Bingo Hall parking lot, nor did they fail to do what was reasonable for a business in similar circumstances. The Defendants further argued that any action or inaction of the Defendants were not a substantial factor in the harm caused to the Plaintiff. The Jefferson County Jury was in deliberations for approximately five hours and ultimately found that the conduct of Loving Care, Inc., was not a substantial factor in causing the harm to the Plaintiff and a defense verdict was entered.



MAX SMITH

859.422.6000
max.smith@whtlaw.com



WILL BARKER

859.422.6000
will.barker@whtlaw.com

