

KENTUCKY WHT ATTORNEYS OBTAIN KENTUCKY SUPREME COURT RULING

Ward
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WHT Member Licha Farah and attorney Whitney Williams obtained a favorable ruling from the Kentucky Supreme Court this week in favor of their client, The City of Barbourville, in a premises liability action originating out of Knox Circuit Court. The Plaintiff claimed that the City was liable for damages she sustained when she burned her feet while walking barefoot on concrete at an outdoor water park on a sunny summer day in 2016.

In 2019, the trial court granted the City's Motion for Summary Judgment on the premises liability claim, holding that the City did not breach any duty owed to the Plaintiff to prevent foreseeable injury. On appeal, the Kentucky Court of Appeals reversed the

trial court's Order in favor of the City, holding that the issue of foreseeability and duty were issues of fact that should have gone to the jury.

The City moved the Kentucky Supreme Court for discretionary review on the issue and after hearing oral arguments in August of 2022, the Court issued its Opinion this week reversing the Court of Appeals' reversal and affirming the trial court's 2019 Order in favor of the City. In its October 20, 2022 Order, the Court held that the facts in the record were such that a reasonable jury could not find liability against the City for Plaintiff's claimed damages and thus summary judgment in favor of the City was appropriate.



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