

# Oklahoma



*Justin Meek*



*Carolyn Smith*

## Summary Judgment in a Premises Liability Case

Justin Meek and Carolyn Smith recently received Summary Judgment in a premises liability case in Southeast Oklahoma. Plaintiff and her brother owned adjoining tracts of acreage. In between Plaintiff's land and her brother's land was a tract of land jointly owned by Plaintiff and her siblings, including her brother. A large stone retaining wall separated the brother's acreage from the family acreage. Plaintiff did not get along with her brother's wife so Plaintiff would visit her brother at times when his wife was away from the home. Plaintiff would typically traverse across the family acreage and scale the stone retaining wall by way of a makeshift ladder Plaintiff's brother had built from a discarded commercial air conditioning unit. Late one night Plaintiff was visiting her brother when the brother's wife suddenly showed up. Plaintiff hurriedly tried to rush back to her house and in her haste fell from the ladder on the retaining wall and shattered her leg. Plaintiff sued her brother for negligence alleging more than \$750,000.00 in damages. The Court found that Defendant (Plaintiff's brother) owed no legal duty to Plaintiff and that the retaining wall and adjoining ladder were open and obvious conditions. The Court granted summary judgment in favor of Defendant. ■