

# MISSOURI LAWYERS WEEKLY

November 10, 2003

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## VERDICTS & SETTLEMENTS

### Woman Fell Outside Bar *She Blamed Old Stone Step*

#### Defendant's Verdict



KUENZEL



BUCKLEY

A woman who fell and broke her ankle as she was leaving a bar sued for premises liability.

On April 22, 2000 Amanda Sullivan was leaving Mense's Landing, a bar in Washington, Mo. She fell outside the front entrance and suffered a compound fracture of her ankle.

Sullivan blamed the fall on the condition of a stone step that was part of the original construction of the 150-year-old building. She said that the step surface was uneven and that there was insufficient lighting.

Sullivan claimed that the bar should have repaired or replaced the step. She also argued that the City of Washington, which maintained the adjoining sidewalk, should have put yellow warning paint on the footing adjacent to the step in order to distinguish the surfaces.

Mense's Landing pointed out that Sullivan was wearing open-toed sandals with two-inch heels and no back strap when she fell, and that she gave inconsistent stories to bar employees, ambulance personnel and police officers. It also presented evidence regarding the lighting directly over the step, the numerous neon lights inside the front windows and exterior lighting from a street-light. Furthermore, Mense's Landing

contended that the fall occurred on the top platform that was painted with a black non-skid paint and not on the stone step as contended by Sullivan.

The City of Washington argued that it did not have possession of or control over the spot where Sullivan fell.

After a two-day trial the jury returned a verdict in seven minutes, which included time taken to pick a foreman.

**Type of Action:** Premises liability

**Type of Injuries:** Broken ankle requiring three surgeries

**Court/Case No./Date:** Franklin County Circuit Court/01CV331269/Oct. 22, 2003

**Caption:** Sullivan v. Mense's Landing, Ltd. and City of Washington

**Judge, Jury or ADR:** Jury

**Name of Judge:** Stanley D. Williams

**Special Damages:** \$26,969 medical expense, \$1,100 lost wages

**Verdict or Settlement:** Defendant's verdict

**Allocation of Fault:** N/A

**Last Offer:** None

**Last Demand:** \$150,000

**Attorneys for Defendants:** Steven P. Kuenzel, Washington (for Mense's Landing); Thomas Buckley, St. Louis (for City of Washington)

**Insurance Carrier:** Secura Insurance Company (for Mense's Landing); Missouri Intergovernmental Risk Management Association (for City of Washington)

**Plaintiff's Experts:** Dr. Thomas Matthews, Washington (orthopedic surgeon)

**Defendant's Experts:** None



The plaintiff fell outside the entrance to Mense's Landing.