

SOUTH CAROLINA LAWYERS WEEKLY

JANUARY 12, 2015 | VOL. 14, NO. 19 | SCLAWYERSWEEKLY.COM | \$8.00 PER COPY

\$4 million verdict in slip-and-fall suit

Plaintiff fell in downtown Charleston parking garage

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A jury has awarded more than \$4 million to a man who fell in a dimly lit parking garage in downtown Charleston.



McCullough



Khan

Robert Burke was walking in the George Street garage one night in January 2013 when he tripped on a curb. The 67-year-old was on blood thinner medication, which caused him to bleed profusely, according to his attorney, Clay McCullough of Charleston.

Burke spent about six weeks at the Medical University of South Carolina before he was transferred to a rehab facility, McCullough said. He added that Burke underwent knee surgery and suffered complications from the procedure, including kidney issues that required him to have dialysis treatment.

He sued the city of Charleston, Republic Parking Systems, which managed the parking garage for the city, and Indigo Realty, the owner of the land where the garage sits.

Prior to taking Republic to trial, Burke settled his suits against the city and Indigo Realty for \$300,000 and \$10,000, respectively. Both were brought into the suit under the theory that they were part of the causal chain.

McCullough and his law partner, Jamie Khan, argued during a trial against Republic in Charleston County that the company should

dered most of the blame for Burke's injuries because it had failed to adequately light the garage.

An expert testified that the garage had been darker than a movie theater after the lights are turned down and should have been at least five times brighter to satisfy industry lighting standards, according to McCullough.

He said Republic's attorney contended that the city of Charleston controlled the parking garage and also asserted that Burke's injuries were the result of a pre-existing condition rather than his spill.

But McCullough said the parking management agreement between Republic and the city had "specified that Republic took over the operation of all parking facilities and had the responsibility to do regular inspections and fix hazardous conditions."

After finding Republic liable for Burke's injuries, the jury hit the company with a verdict of \$4,005,125 on Dec. 19. If the award stands it will be reduced by 20 per-

cent for Burke's comparative negligence, bringing the verdict to \$3.2 million.

Republic's attorney, Roopal Ruparelia of Haynsworth Sinkler Boyd in Columbia, declined to discuss the case.

She has filed a post-trial motion asking the court to enter a directed verdict in favor of her client or order a new trial. She raises more than a dozen different arguments in the filing, including the assertion that "darkness is not an obvious danger."

She also argues that Republic was not required to make any changes to the garage in its contract with the city; that the city was supposed to inspect and maintain the property; and that Republic cannot be held liable because it was acting as an independent contractor.

"In this case, it is clear that the City of Charleston retained control and therefore Republic did not have a duty," she wrote.

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VERDICT REPORT

SLIP AND FALL, PREMISES LIABILITY

Case name: Robert Burke vs. Republic Parking Systems Inc.

Court: Charleston County Court of Common Pleas

Judge: Markley Dennis

Date of verdict: Dec. 19

Amount: \$4,005,125

Attorneys for plaintiff: Clay McCullough and Jamie Khan of McCullough Khan, LLC in Charleston

Attorneys for defendant: Roopal Ruparelia of Haynesworth, Sinkler Boyd in Columbia