



## Hartline Dacus Barger Dreyer LLP Attorneys Obtain Complete Defense Verdict in Premises Liability Jury Trial

On February 10, 2017, HDBD partner [Brian Rawson](#) and associate [Roy McKay](#) obtained a complete defense verdict on behalf of VR Park at Waterford Apartments in a premises liability trial in Galveston County, Texas.

Plaintiff claimed that on August 21, 2013, he was working as a landscaper for a third-party landscaping company at the VR Park at Waterford Apartments. Plaintiff alleged he was cutting and removing vines and debris near an air conditioning unit behind the leasing office when he accidentally touched a live wire that threw him several feet back onto his back and shoulder. Plaintiff testified that immediately after the incident, the complex's head of maintenance told him that exposed wire had been there for a long time and that he was surprised it had not been fixed. Also, the landscaping company's incident report noted "inadequate maintenance," which Plaintiff's counsel, Cory Itkin of Arnold & Itkin LLP in Houston, argued referred to inadequate maintenance by the complex of the air conditioning unit. Plaintiff claimed that as a result of this incident, he sustained severe injuries to his neck, eye, leg, and shoulder, which required rotator cuff surgery and future medical care. Plaintiff sought approximately \$100,000 for past and future medical expenses and more than \$250,000 for past and future physical pain, mental anguish, and physical impairment.

The defense responded by questioning whether the incident occurred at all. The complex's head of maintenance, who no longer worked for the complex by the time of trial, testified that he had no recollection of the incident. Further, Plaintiff's supervisor with the landscaping company testified that the event was not reported until the following day and that Plaintiff was able to continue to work and drive his crew for another five hours, despite his alleged injuries. The defense also called a licensed professional engineer as an expert to testify about the wiring of the air conditioner unit. This expert testified that it would have been virtually impossible for Plaintiff to have been shocked by either or both of the unit's 120-volt wires before the breaker was tripped. Even if he had been shocked by the 120-volt wires, the shock would not have been as severe as Plaintiff claimed. Further, had Plaintiff been shocked by the unit's 24-volt thermostat wire, that would have caused no more than a "tickle," the expert said.

During closing arguments, Mr. Rawson argued that Plaintiff's story was not credible. It was physically impossible for Plaintiff to be thrown several feet through the air and sustained the injuries he claimed to have suffered. If he did receive a shock, it would have been minor and it would have been caused by his own negligence cutting vines behind an air conditioning unit that he knew had electrical connections. Regarding the reference to "inadequate maintenance" in the incident report, the defense argued that it referred to Plaintiff's own failure to watch what he was doing.



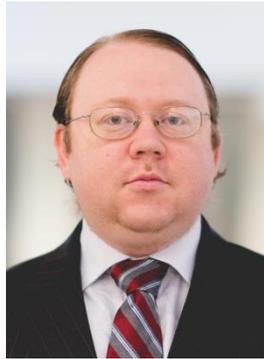
After a one week trial, the jury unanimously agreed with VR Park, placing 100% of the fault on Plaintiff, and returning a complete defense verdict after less than 15 minutes of deliberations.

#### About HDBD

*Hartline Dacus Barger Dreyer LLP is a Texas-based law firm specializing in civil litigation and trials, with offices in Dallas, Corpus Christi and Houston. The firm's attorneys pride themselves on providing uncompromising excellence to their clients in a variety of areas, including products liability, commercial litigation, class action and multidistrict litigation, intellectual property, personal-injury defense, premises liability, labor and employment, insurance coverage, healthcare, construction, and dealer/franchise litigation. For more information about HDBD, visit [www.hdbdlaw.com](http://www.hdbdlaw.com).*



Brian Rawson



Roy McKay