



HDBD attorneys Brian Rawson and Roy McKay win summary judgment in premises liability lawsuit.

Tarrant County, Texas, February 10, 2015 (PRWEB) — On February 10, 2015, Dallas attorneys Brian Rawson and Roy McKay won a summary judgment for Blue Valley Apartments, Inc. in a premises liability lawsuit in Tarrant County, Texas.

Plaintiff Tonja R. Owens alleged that she slipped and fell inside her apartment due to a water leak in her kitchen. A water heater leak upstairs allegedly caused water to leak through the roof of Ms. Owens's kitchen. She reported the leak to apartment management on the Friday after Thanksgiving of 2012. Management cleaned the leak, placed a container in Ms. Owens's unit to contain dripping water, and turned off the upstairs water heater. However, the water heater could not be replaced until the following Monday.

Over the holiday weekend, Ms. Owens alleged that water overflowed the container and flooded her kitchen. Owens alleged that she did not notice this flooding and slipped and fell when entering her kitchen.

Defense counsel obtained contradictory evidence from the complex's former manager that disputed Ms. Owens account of flooding, and showed the leak was minor and would not have filled the container. The contradictory evidence also established that Blue Valley explicitly warned her to be careful, as water could continue to leak.

Ms. Owens claimed she fractured her ankle when she fell, and sought treatment at the emergency room. She obtained approximately six months of regular medical treatment. She sought damages between \$200,000 and \$1 million.

Defense counsel moved for summary judgment on two grounds. First, despite the complex's intervention and ultimate responsibility to remedy the leak, Ms. Owens was a "licensee" under Texas law because she fell inside her apartment. As a licensee, she was barred from recovery because she affirmatively knew of the general condition at issue, as shown by her report of the leak in the first place. Second, Blue Valley

Apartments, Inc. acted reasonably as a matter of law by warning her of the condition and placing a container to prevent water from accumulating on her kitchen floor.

In response, Ms. Owens argued that Blue Valley's affirmative attempts to remedy the condition, without actually doing so, exposed it to liability. She also argued that Blue Valley's efforts were not sufficient to establish a lack of negligence as a matter of law.

The trial judge agreed with Mr. Rawson and Mr. McKay's arguments, granted summary judgment, and dismissed all of the claims with prejudice on February 10, 2015.

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