

CASE STUDIES

Unanimous Jury Defense Verdict in Premises Liability Trial

Product Liability Litigation / 2016

Client: Waffle House, Inc.

Opponent: Tony Brown

Type of case: Premises liability

Court: Hinds County, Mississippi Circuit Court

Length of trial: Five days

Amount in dispute: Approximately \$3 million

Result: Defense verdict for client

A plaintiff sued Waffle House for negligence after being shot in a gunfight in the parking lot of one of Waffle House's restaurants. The plaintiff claimed that the history of criminal activity at the restaurant and surrounding area should have put Waffle House on notice of the necessity for a security guard. During the five-day jury trial, the plaintiff brought security experts and city police officers to testify that the surrounding area was indeed a high crime zone, and that crimes had been underreported specifically at the Waffle House location.

Needless to say, Baker Donelson had an uphill battle in light of the expert testimony, but we prevailed. We set out to first establish that a security officer could not have prevented or intervened in the gunfight. Then we proved that police department's own crime reports did not support the plaintiff's claims about the surrounding area being a high crime zone. We went on to establish that the testifying police officers were biased towards the plaintiff's counsel and could not actually support allegations that crime was underreported. At the conclusion of the trial, the jury deliberated only one hour before returning a unanimous victory for the Waffle House defense.