

Wilson Litigation Team Obtains Summary Judgment in Premises Liability Matter

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March 31, 2024

Hedrick Gardner Partner **Rob Wilson** and Associate Tatiana Terry obtained summary judgment for the owner of an apartment complex in a premises liability case.

The case involved a thorough analysis of the recent decision by the North Carolina Supreme Court in *Draughon v. Evening Star Holiness Church of Dunn*, 374 N.C. 479, 487, 843 S.E.2d 72, 79 (2020), and refuting of Plaintiff counsel's attempt to argue a sudden emergency exception to contributory negligence in a premises liability matter.

Plaintiff alleged that she slipped on an area of sunken carpet in her sister's apartment when responding to her sister suffering a seizure. After deposing Plaintiff (as well as serving Requests for Admission that later proved to be dispositive), Defendant moved for Summary Judgment on multiple grounds. Specifically, that Defendant had no duty to warn Plaintiff of the alleged hazardous condition and Plaintiff's failure to avoid it constituted contributory negligence as a matter of law.

Defendant argued that viewing the evidence in the light most favorable to Plaintiff, Plaintiff had at least equal, if not superior, knowledge of the allegedly hazardous condition of the carpet prior to the incident. As such, Defendant argued it had no duty to warn or protect Plaintiff from the allegedly hazardous condition. Additionally, Plaintiff's decision to step into the area of sunken carpet with this requisite knowledge constituted contributory negligence and no claim of a sudden emergency precluded this unreasonable decision. After consideration of the briefs and arguments of counsel, the Court granted Defendant's Motion for Summary Judgment as to all claims.