

# Civil Litigation

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## Overview

Hedrick Gardner's General Liability Practice Group offers investigation and litigation services to a broad spectrum of clients, including auto owners, charities and service organizations, restaurants and bars, retailers, small business owners, sports arenas and promoters, and their insurers.

Whether the claim involves an auto accident, a slip and fall, a wrongful detention, or a barroom brawl, our attorneys understand the challenges facing the defense in these cases and are here to guide you throughout the litigation process.

## The General Liability Practice Group regularly defends claims involving:

- Assault and battery
- Auto accidents
- Bailment
- Breach of contract
- Civil rights
- Defamation (libel and slander)
- Dog bites
- Homeowners
- Infliction of emotional distress
- Malicious prosecution and false imprisonment
- Misrepresentation and fraud
- Negligence
- Premises liability
- Social host, alcohol service, and dram shop liability
- Trespass, nuisance, invasion of privacy, and conversion
- Other incidents involving personal injury or property damage

Recognizing that accidents are not confined to the work day or business hours, our team is available around the clock to serve clients when the need arises. When the situation demands an immediate response, our attorneys meet with clients at the scene, help identify witnesses, and secure evidence to protect against claims of spoliation. The experience and knowledge of the firm's attorneys allows them to make practical recommendations about retaining experts.

The attorneys in this practice group recognize and appreciate the trust placed in them by their clients and fiercely protect the clients' interests from the outset of the assignment through trial

Brian M. Williams  
C. Rob Wilson  
John L. Wright

and appeal.

## Experience

*Cases or matters referenced are for illustrative purposes only and do not represent the lawyer's or law firm's entire record. Each case is unique and must be evaluated on its own merits. The outcome of a particular case cannot be predicted based upon a lawyer's or law firm's past results. Prior results do not guarantee a similar outcome.* Hedrick Gardner's attorneys have litigated hundreds of cases, and representative matters include the following:

- Represented national restaurant franchisor in case that arose from a shooting in a local restaurant. Two customers shot two other customers after being insulted, resulting in a death and serious gunshot wounds. Firm attorney obtained directed verdict in favor of the restaurant franchisor at trial, and the NC Court of Appeals upheld the directed verdict on appeal.
- Obtained defense verdict for a client whose SUV rear-ended a plaintiff's sedan. The defendant admitted negligence on his part but denied that the plaintiff sustained any injuries. The plaintiff did not report any injury at the scene but later claimed back, neck, and knee injuries. Plaintiff also claimed post-traumatic carpal tunnel syndrome (CTS) for which he underwent bilateral carpal tunnel releases. Both sides submitted expert testimony. The jury answered the first issue ("Was the plaintiff injured by the negligence of the defendant?") with a "No," and the trial court entered judgment in favor the defendant.
- Obtained a defense verdict on behalf of a prominent Charlotte businessman who was sued for slander by an Atlanta attorney. The alleged defamatory statements were made by the firm's client during the course of litigation arising after a business relationship soured. The client made statements about the plaintiff having previously paid to have people "beat up" and possibly killed. A jury found the statements were not slanderous. The plaintiff appealed to the North Carolina Court of Appeals, and it affirmed the jury's verdict in favor of the client.
- Defended dog owner in a lawsuit filed by a postal carrier. Plaintiff attempted to show that the owner should have known that the dog was aggressive because of its breed and also presented expert testimony that tethering of dogs can lead to aggressive behavior. Defendant testified that the dog was a mixed breed Australian Heeler that had never attacked anyone or behaved aggressively in the past. The trial court granted summary judgment in favor of the firm's client, and the NC Court of Appeals affirmed the judgment, concluding that the plaintiff had failed to present sufficient evidence to demonstrate a dangerous propensity either because of the breed or the tethering. Specifically, the court held that the plaintiff's presentation of Wikipedia evidence as to the breed's propensities was improper and held no weight.
- Represented community association in a wrongful death lawsuit arising from a drowning in a community association swimming pool. Plaintiff alleged that the pool was a dangerous condition and the community association failed to provide reasonable safety measures to protect the safety of the swimmers. Community association rebutted the contention that the pool was a dangerous condition and argued that it complied with all standards for providing safety rules and equipment. United States District Court granted summary judgment for the community association.
- Obtained summary judgment for home sellers in a lawsuit filed by the purchaser of a luxury home. After the purchaser discovered extensive water and termite damage to the structure of the home and poor drainage conditions on the land, she pursued claims for breach of contract,

negligent misrepresentation, fraud, and punitive damages. The trial court granted the motion for summary judgment based on arguments that purchaser did not reasonably rely on representations made by homeowners and otherwise failed to support her claims.

- Represented an apartment community and property management company in a lawsuit involving a tenant's allegation that she sustained permanent injuries to her ankle and shoulder following her fall on "black ice" in the parking lot. Defense attorney raised defense of contributory negligence and the jury returned a verdict in favor of the defendants based on plaintiff's contributory negligence.
- Obtained summary judgment for an apartment complex in a wrongful death lawsuit in which the plaintiff made allegations of negligence, failure to warn, and failure to prevent shooting death of a tenant.
- Represented a company that installed and maintained a revolving door at a hotel and casino. Plaintiff sustained injuries when door struck him and threw him to the ground as he exited the hotel. Plaintiff filed a bodily injury claim against the hotel and casino, alleging negligent maintenance of the door, and the hotel filed a third-party complaint against the firm's client. The firm obtained a summary judgment in favor of the maintenance company.
- Defended a national retailer in claims for false imprisonment, malicious prosecution, and infliction of emotional distress. Retailer contacted police after learning employee did not charge plaintiff full price for merchandise sold. The trial court granted motions for summary judgment on claims for false imprisonment and infliction of emotional distress. The trial court granted directed verdict on remaining claim, malicious prosecution, during the trial. On separate appeals, NC Court of Appeals affirmed the judgments in favor of the retailer.
- Served as lead counsel for a local speedway after a pedestrian bridge collapsed resulting in catastrophic injuries. Over 100 race fans filed lawsuits. Firm attorney tried a case involving multiple plaintiffs and obtained a no negligence verdict on the part of the speedway. Due to trial court's rulings on non-delegable duties, speedway shared in liability based upon the negligence of the co-defendant bridge manufacturer.
- Obtained summary judgment for a national retailer in a case in which plaintiff tripped over boxes of Barbie Dolls in a store aisle. The trial court granted summary judgment on the basis of the plaintiff's contributory negligence, and NC Court of Appeals affirmed the judgment in favor of the store.
- Defended amateur league baseball stadium operator in case that arose after spectator was hit by a wild pitch during warm-ups. Plaintiff was standing next to the bullpen area prior to a game when the baseball hit him and injured an eye. Plaintiff argued that because the stadium set up a "beer garden" next to the bullpen area and failed to provide screening between the bullpen area and the beer garden, the stadium was liable for the plaintiff's injuries. The trial court granted summary judgment for the stadium operator, and the NC Court of Appeals affirmed the judgment in favor of the firm's client.
- Secured a dismissal with prejudice in a wrongful death liquor liability claim against concessionaire for a minor league baseball stadium. A baseball ticket holder had a head-on collision with another car, killing both drivers, during the evening after a baseball game. A toxicology screening revealed a blood alcohol level of 0.22 for the driver who attended the baseball game. The complaint alleged that the concessionaire served alcohol to a person the concessionaire knew or should have known was already intoxicated. The firm developed evidence that the drunk driver could not have reached that blood alcohol level at the ballpark.

The firm also established that plaintiff could not offer any evidence to prove that concession employees ever served alcohol to the drunk driver, let alone at a time when they knew or should have known he was intoxicated.

- Obtained a defense verdict in a boating accident case in the United States District Court, Division in Admiralty. A couple boating in the Trent River alleged that the firm's clients, a boat owner and boat pilot, negligently crashed into their vessel, injuring the plaintiff's wife. The firm developed evidence at trial to show that the plaintiff's vessel was floating unlit in the middle of the river and that the defendant boat pilot's actions showed no evidence of negligence, ultimately demonstrating that the negligence of the plaintiff's husband (also a defendant) was the sole cause of the accident. The trial judge returned an award in favor of the plaintiff wife against her husband and dismissed the claims against the firm's clients.