

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ANGELA MCADAMS,

Plaintiff,

v.

WAL-MART STORES EAST, LP
(DELAWARE), et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:16-CV-2758-TWT

OPINION AND ORDER

This is a slip-and-fall case removed to this Court on the basis of diversity jurisdiction. It is before the Court on the Defendant's Motion for Summary Judgment [Doc. 21].

I. Summary Judgment Standard

Summary judgment is appropriate only when the pleadings, depositions, and affidavits submitted by the parties show that no genuine issue of material fact exists and that the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c). The court should view the evidence and any inferences that may be drawn in the light most favorable to the non movant. Adickes v. S.H. Kress and Co., 398 U.S. 144, 158-159 (1970). The party seeking summary judgment must first identify grounds that

show the absence of a genuine issue of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 323-24 (1986). The burden then shifts to the non-movant, who must go beyond the pleadings and present affirmative evidence to show that a genuine issue of material fact exists. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 257 (1986).

II. Discussion

Based upon the Plaintiff's failure to respond to the Defendant's Requests for Admissions, the Plaintiff has made the following admissions. The Plaintiff admits that the Defendant did not have actual knowledge of the alleged hazard on July 21, 2014. The Plaintiff admits that the Defendant did not have constructive knowledge of the alleged hazard on July 21, 2014. The Plaintiff admits that the Defendant did not have superior knowledge of the alleged hazard on July 21, 2014. The Plaintiff admits that the Defendant was not negligent on July 21, 2014. The Plaintiff admits that the Defendant breached no duty to the Plaintiff on July 21, 2014. The Plaintiff admits that no act or omission of the Defendant was a proximate cause of any injuries alleged by the Plaintiff in this action. The Plaintiff admits that she failed to exercise care for her own safety at Wal-Mart Store 4409, Rockmart, Georgia on July 21, 2014. These admissions are fatal to the Plaintiff's cause of action.

III. Conclusion

The Defendant's Motion for Summary Judgment [Doc. 21] is GRANTED.

SO ORDERED, this 2 day of February, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge