

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas

Cheyenne Lark,

Plaintiff,

versus

United Airlines, Inc., *et al.*,

Defendants.

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ENTERED

December 27, 2018

David J. Bradley, Clerk

Civil Action H-17-3587

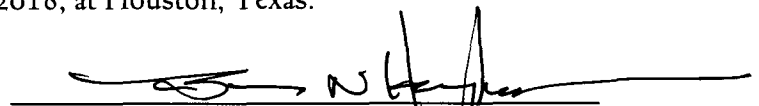
Opinion on Summary Judgment

Cheyenne Lark moved for an extension of time to respond to the motion for summary judgment. Her motion was untimely and, more importantly, did not include a justification for an extension. The court denied the motion, and Lark moved for reconsideration three months later – again equally with no grounds. The court declined to reconsider its order.

The accident was forty-five months ago. This case is over a year old, and in that time Lark has offered no evidence to support her claims. She cannot show that there was a plastic bottle on the floor, nor has she shown that there was an injury caused solely by Yancy’s fall that generated a pain distinct from her other ailments. This injury must be isolated from the other pain and ailments she suffered. The survivors are obliged to plead that injury and damages with clarity; they have not.

Despite the discussion of Yancy’s death, the only claim made was for the precise injury to her from the fall. Absent a fall, there is no recovery. Lark cannot support a single element of her claim. Lark will take nothing from United Airlines, Inc., ABM Aviation, Inc., and ABM Industries, Inc. The court will consider a request for an equitable shifting of the defendants’ legal fees.

Signed on December 26, 2018, at Houston, Texas.



Lynn N. Hughes
United States District Judge