

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

WILMA JONES

CIVIL ACTION NO. 12-2029

VERSUS

JUDGE ROBERT G. JAMES

ARCH INSURANCE CO., ET AL.

MAG. JUDGE KAREN L. HAYES

RULING

Pending before the Court is Plaintiff Wilma Jones' ("Ms. Jones") Motion for Partial Summary Judgment [Doc. No. 48]. Defendants Arch Insurance Co. and Dollar Tree Stores, Inc. ("Dollar Tree") did not file an opposition. For the following reasons, the motion is GRANTED.

This case arises out of an alleged trip and fall accident inside the West Monroe, Louisiana Dollar Tree store. Ms. Jones alleges that, on July 6, 2011, she sustained injuries after tripping over a low shelf on a merchandise end-cap display near the checkout counter and falling to the ground.¹

Ms. Jones argues that "there is no genuine issue of material fact that exists on the issue of the fact that the subject store did in fact create the complained of condition [the low shelf], which Plaintiff alleges caused her to trip and fall."² [Doc. No. 48, p. 1]. Ms. Jones cites the deposition of Peggy Ford, District Manager, to show that "the low shelf that Ms. Jones said she fell over was set up in the standard way for displays at the Dollar Tree Store." [Doc. No. 48-2, p. 3]. The

¹For additional facts, refer to the Court's September 27, 2013, Ruling [Doc. No. 46].

²Although Ms. Jones later stated in the motion that the low shelf "*caused* [her] to trip and fall" [Doc. No. 48-2, p. 3](emphasis added), Ms. Jones does not seek summary judgment on causation. In this Ruling, the Court finds only that the Dollar Tree store created the condition, the low shelf, but reserves the issue of causation for trial.

Court agrees that there is no genuine issue of material fact as to whether the Dollar Tree Store created the complained of condition, i.e., the low shelf on a merchandise end-cap display. Thus, for the foregoing reasons, Plaintiff's Motion for Partial Summary Judgment [Doc. No. 48] is GRANTED.

MONROE, LOUISIANA, this 4th day of December, 2013.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE