

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

SHARON F. CURRIE

PLAINTIFF

VS.

CIVIL ACTION NO. 3:10cv107-FKB

TRACE APARTMENTS, LIMITED
PARTNERSHIP and CASE &
ASSOCIATES PROPERTIES, INC.

DEFENDANTS

ORDER

This cause is before the court on the motion of Defendants for summary judgment. Having considered the motion, response, and reply, along with the evidence of record, the court concludes for the reasons set forth herein that the motion should be denied.

This is a premises slip-and-fall case involving a single step near the office entrance at the Trace Apartments. Plaintiff, an invitee, was injured when she missed the step and fell. Defendants contend that the step was, as a matter of law, not unreasonably dangerous because a step at an office entrance is a normal and expected danger. See *Tate v. Southern Jitney Jungle Co.*, 650 So. 2d 1347 (Miss. 1995) . The court disagrees. While steps at an office entrance may frequently constitute a normal and expected danger, the court concludes that there is a question of fact as to whether the particular step involved in this case - a single step constructed out of the same materials as the

decking of which it was a part - was “usual, normally expected, and therefore not unreasonably dangerous.” *Wood v. RIH Acquisitions MS II, LLC*, 556 F.3d 274, 281 (5th Cir. 2009). For this reason, the motion is hereby denied.

SO ORDERED, this the 13th day of April, 2011.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE