

Tort Law: Negligence

Case 15:
Teens
Wreak
Havoc in a
Store

Medley v. Home Depot, Inc.

Duty of Care of Business Owners Against Personal Injury to Their Customers

OBJECTIVE

To understand what a business owner's duty of care is to his/her customers (otherwise known as "business invitees") to protect the customers from injury while on the store premises.

TOPICS COVERED

- Negligence
- Slip and Fall Injury
- Business Invitee
- A Business Owner's Duty to Inspect

Medley v. Home Depot, Inc.

Duty of Care of Business Owners Against Personal Injury to Their Customers

BACKGROUND

- Ms. Dee Dee Medley, a business invitee, brought a negligence lawsuit against the well-known retail store, Home Depot, for injuries she sustained while in the store.
- While shopping in Home Depot, Ms. Medley slipped and fell on a slippery substance, later discovered to be oil.
- Ms. Medley alleged that at the time of the incident, a group of teenagers, who were running wild in the store, intentionally opened a can of oil and poured it on the floor.
- Ms. Medley claimed that Home Depot had a duty to inspect the aisles for dangerous conditions, especially since Home Depot knew about the teens' mischief, which resulted in the oil on the floor and injury to her.

BEFORE YOU BEGIN

What is negligence?

Negligence is the breach of a duty of care by a defendant which is the cause of injuries to another person whom the defendant has an obligation to protect from harm.

What is a “slip and fall” injury?

A slip and fall injury stems from a person slipping and falling on the ground, allegedly caused by the negligence of the owner or possessor of the property.

What is a business invitee?

A business invitee is a person who is invited to enter or remain on land for the purpose of conducting business dealings with the occupier of the premises—for example, a customer in a retail store.

What is a business owner’s duty to inspect?

An owner/possessor of land has a duty to warn business invitees of dangers it actually knows about, as well as dangers that it should have known about through reasonable inspection, on the premises. This requires that all business owners conduct regular inspections of the premises for potential dangers.

ISSUE BEFORE THE COURT

Whether a business owner owes a duty to business invitees to protect them against negligent acts by third persons on the business premises.

THE FACTS

Ms. Dee Dee Medley filed suit against Home Depot, Inc., for damages she claimed occurred from a slip and fall injury at Home Depot.


Ms. Medley was shopping at Home Depot looking for an extension cord. She pushed her shopping cart halfway down an aisle and left it to go ask Andrew Attaway, the department manager, for help in locating the product.

As Ms. Medley headed back to her cart, still looking for the extension cord, she slipped and fell on oil spilled on the floor. Ms. Medley never saw the oil or any liquid on the floor, but a Home Depot employee told her at the scene that she had slipped on oil.

While an oil container was found on the floor near Ms. Medley's fall, no oil was sold in the area in which Ms. Medley fell. The bottle had been deliberately punctured open, as if with a screwdriver, and it appeared that the oil had been deliberately poured onto the floor. The bottle containing the rest of the oil had been thrown between some boxes on the side of the aisle.

After her fall, Ms. Medley went to the hospital, where a Home Depot loss prevention supervisor, Steven Hester, visited her. Mr. Hester stated that he believed a group of teenagers had poured the oil onto the floor.

With respect to non-shoppers, Home Depot's storewide policy required supervisors to monitor the store for any persons who are non-shoppers and ask them to leave the store. Hester testified at trial that he was aware of three teenagers who were running through the store—playing hide and seek. He stated that these young people were not shoppers, but horsing around, playing tag, and killing time. Hester was monitoring the teens to make sure the situation did not get out of hand, and at one point, he told them to behave or find their parents and leave.



There are over seven million "slip and fall" lawsuits filed each year.

With respect to keeping the aisles safe, Home Depot's storewide policy requires that department supervisors patrol the aisles to make sure they are clear. Andrew Attaway, the department manager, testified that on the incident date, there were five aisles in the electrical department of Home Depot. Four employees were working in the five aisles. Attaway stated that he inspected the area in which Ms. Medley fell within five minutes before her fall and had not seen any oil. When notified of her fall, Attaway alleged he was about 20 yards away from Ms. Medley's location.

Attaway also testified as to the teens' presence in the store. He stated that the teens regularly came into the store on Friday afternoons and "messed things up." He indicated that the kids had spilled things previously, and that both Hester and Home Depot knew that the teens might spill substances that might be hazardous to shoppers.

Ms. Medley argued that Home Depot did not follow its own policies in failing to more closely monitor the teens, and Home Depot knew that the non-shoppers had previously spilled items on the floor.

With over 2,200 stores, The Home Depot, Inc. is the world's largest home improvement specialty retailer in the U.S.

Sources

The case briefing above contains excerpts and direct extractions from the sources noted below that have been combined with the author's own expert legal input. The case has been condensed and formatted from its original content for purposes of this workbook.

Medley v. Home Depot, Inc., 252 Ga. App. 398, 555 S.E.2d 736 (2001).

Court of Appeals of Georgia

September 18, 2001. Opinion written by the Honorable Presiding Justice Marion T. Pope, Jr.

You Be the Judge!

NAME

DATE

Review the Case

After reading Medley v. Home Depot, Inc., answer the following:

1. Identify the Plaintiff(s) in the case.

2. Identify the Defendant(s) in the case.

3. Is the Plaintiff seeking money for her damages?

4. As a business invitee of Home Depot, explain the duty of care that the store owed to Ms. Medley.

5. What was Home Depot's policy for "non-shoppers"?

6. What was Andrew Attaway's position at Home Depot? What was his duty regarding the aisles in the electrical department?

7. What was Steven Hester's position at Home Depot?

NAME _____

DATE _____

Review the Case (continued)

8. Should Hester have done anything according to Home Depot policy regarding the teenagers?

9. State the facts that illustrate Home Depot knew the teens might cause trouble in the store.

10. State the number of employees and aisles in the electrical department at the time Ms. Medley fell.

11. BONUS: In your opinion, what could Home Depot have done to prevent this incident?

12. BONUS: In your opinion, did the Plaintiff do anything to contribute to her own injuries?

NAME _____

DATE _____

Make the Argument

In order for the judge or jury to render a decision, the following are some of the questions that must be considered:

1. Did Home Depot owe a duty of care to Ms. Medley? Explain.

2. Did Home Depot breach its duty of care to Ms. Medley by not removing the teenagers from the building in a timely manner? Explain.

3. Was it reasonably foreseeable to Home Depot that by failing to remove the teenagers in a timely manner, Home Depot would create an unreasonable risk of harm to Ms. Medley? Explain.

4. Did Home Depot know, or should they have known, that shoppers could be harmed by the teenagers' presence in the store?

5. Was the Plaintiff injured?

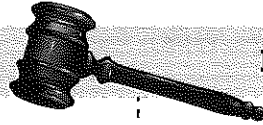
NAME _____

DATE _____

You Be the Judge

Having reviewed the case and considered the questions involved, decide the case for either the **Plaintiff** or the **Defendant**:

Decision for the Plaintiff



Decision for the Defendant

Dee Dee Medley

Home Depot, Inc.
