

Premises Liability - A regular at a gun range perhaps slipped on cardboard that was placed on top of ice and snow to prevent falls – the plaintiff was unclear exactly where and how he fell and the trial court directed a verdict for the defense
Slawsky v. Knob Creek Gun Range, 16-149

Plaintiff: Will Cowley, *Cowley Law Office*, Louisville

Defense: Melissa T. Richardson and Douglas P. Dawson, *Walters Meadows Richardson*, Lexington

Verdict: Directed verdict

Court: Bullitt, J. Burress,
8-8-17

Richard Slawsky was a patron on 3-7-15 at the Knob Creek Gun Range. Slawsky had been a weekly visitor for years to Knob Creek. This day it was snowy, icy and cold at the gun range.

As Slawsky walked to the firing range, he slipped and fell. He suffered a fractured tibia in the fall. The break required surgical treatment and the insertion of hardware to set it.

Slawsky sued Knob Creek and alleged it had failed to maintain the premises in a reasonably safe condition. He cited that he fell on a piece of cardboard that was in the middle of a driveway. It had been placed by a Knob Creek employee to cover the ice and snow – when the cardboard froze, it stuck hard to the ground. Slawsky also noted Knob Creek hadn't salted the area or otherwise engaged in any snow or

ice removal efforts.

At the close of the plaintiff's case, Knob Creek moved for a directed verdict. It noted that in his testimony, Slawsky was unsure precisely why he fell. This speculation, Knob Creek argued, was inadequate to sustain his claim.

Judge Burress agreed and granted the motion. He ruled from the bench that there was inadequate proof of Knob Creek's duty in the first place, Slawsky also being unable to say why he fell. It was not enough to simply surmise that it was the cardboard that caused his fall. A defense judgment was entered.