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Tenant Wins Huge Verdict for Icy Fall Gutterless Roof Caused Ice to Accumulate on Walkway

BY ALLISON WALKLEY

A Franklin County Court of Common Pleas jury awarded \$4,200,000 to a woman who suffered a rare nerve reaction after fracturing her arm and elbow on a large patch of ice outside her apartment. Reportedly, this was one of the largest premises liability awards in the State of Ohio.



Plaintiff

Tessa Zanke lived at the Spring Creek Apartments. The 19-building complex was owned by Defendant CK Spring Creek LLC and managed by Defendant The Village Green Management Company. Before

winter arrived, contractors had removed the gutters from some of the buildings to replace the vinyl siding. The project was supposed to be finished by December 2002, but was delayed. After the winter season arrived, water flowed freely from the gutterless roof and ice accumulated on the walks and stairs of plaintiff's building. Apartment residents complained to the management about the icy conditions. On March 3, 2003, plaintiff slipped on a patch of ice on the walkway outside of her building, fracturing her right arm and elbow. The patch of ice was approximately 4 feet wide and 3 inches thick.

Plaintiff alleged defendants allowed an unnatural accumulation of ice that they knew or should have known created a dangerous condition. Plaintiff asserted that she developed Reflex Sympathetic Dystrophy (RSD), resulting in a permanent disability. Plaintiff maintained that defendants had notice of the danger.

Defendants contended the ice had accumulated naturally. Defendants claimed they regularly salted and cleared the walkways of snow and ice. They argued that plaintiff did not take reasonable care while traversing in the winter and they were not liable for her injuries.

INJURIES: Fractured elbow and fractured right arm resulting in development of Reflex Sympathetic Dystrophy (RSD). Plaintiff claimed permanent impairment and disability, as well as constant pain and hypersensitivity in both arms.

VERDICT: \$4,200,000.

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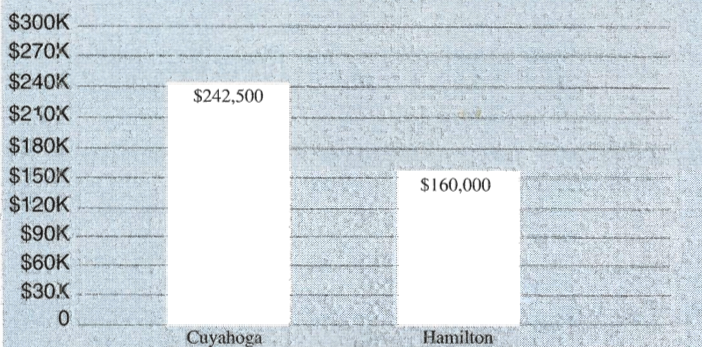
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