

PREMISES LIABILITY

Plaintiff v. VyStar Financial Group, LLC

Favorable Verdict



LUKS, SANTANIELLO
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Plaintiff Counsel: Farah & Farah

Plaintiff asked the jury for damages of approx. \$14 million – Jury Returned Verdict of \$307K

On August 23, 2024, Jacksonville Partners Zach Brewer and Deana Dunham prevented a nuclear verdict in a premises liability matter styled *Plaintiff v. VyStar Financial Group, LLC*. The plaintiff filed suit against defendant, VyStar Financial Group, alleging that Defendant failed to maintain its premises in a reasonably safe condition and failed to warn Plaintiff of a hazardous condition about which Defendant knew or should have known.

Plaintiff alleged that on June 3, 2019, while she was an invitee on Defendant's premises, Plaintiff entered an elevator which malfunctioned, causing the Plaintiff to fall and sustain injuries. Plaintiff maintained that she was going to the 14th floor and, as she ascended, the elevator started to experience mechanical malfunctions, and then started to descent at a rapid, freefall pace when it suddenly stopped near or on the main level. As a result of this incident, Plaintiff claimed injuries to her neck and back, problems with her memory, and mental health conditions including depression, anxiety and post-traumatic stress disorder.

At trial, the defense presented testimony from three elevator technicians who had worked in the building and inspected the elevator to establish that it would have been impossible for the incident to have occurred as Plaintiff claimed; specifically, that it would have been impossible for the elevator to have free fallen. The defense also offered testimony from mechanical engineer and Qualified Elevator Inspector, Lawrence Marley, to establish that the elevator came to a controlled stop. Biomechanical engineer, Ming Xiao, established that the force involved in the controlled stop would have been equivalent to the force felt in a half inch hop off the ground.

During closing arguments, Plaintiff asked the jury for damages of approximately \$14 million. The jury deliberated for four hours before returning a verdict of \$307,000 against Defendant.