

MICHIGAN LAWYERS WEEKLY

Improperly mounted sink injures woman

Interoffice memo indicates restaurant management was aware of the defect

\$230,000

In a premises liability lawsuit filed in Oakland County Circuit Court, Megian Johns sought compensatory damages from defendant Montana's Cookhouse Inc. for injuries sustained after a sink fell from a bathroom wall.

On April 19, 2008, Johns went to the Montana's Cookhouse restaurant in Auburn Hills. While she was washing her hands in the restroom, the sink fell off the wall mounting and shattered into small and large pieces. It caused injuries and permanent scarring to Johns' two fingers, right knee cap, and left wrist. The injuries occurred to her right hand, which, because of cerebral palsy and no use of her left, she relied upon completely.

Type of action: Premises liability

Type of injuries: Laceration of two fingers, right knee cap and left wrist

Name of case:
Johns v. Montana's Cookhouse Inc.

Court/Case no./Date:
Oakland County Circuit Court;
09-097532-NO; Oct. 8, 2010

Tried before: Jury

Name of judge: Shalina Kumar

Plaintiff asserted that management at the restaurant had been advised previously by employees that the sink was loose and improperly mounted on the wall, but management failed to take action to have the sink repaired.

Defendant contended not being aware of the premise defect, but admitted liability when an unsigned draft of defendant's answers to interrogatories

Verdict amount: \$230,000

Insurance carrier: AT&W

Attorney for plaintiff: James O. Elliott

Attorney for defendant: John Cooper II

Key to winning:

Proving the incident caused plaintiff's injuries in addition to any disabilities she may already have had (because of cerebral palsy), by way of testimony from various doctors, caregivers, friends, family, and plaintiff's self-report

were sent to the plaintiff's counsel; the draft contained an interoffice memo questioning whether the prior repair work on the sink should be revealed at the time defendant formulated its answers. At trial, defendant asserted that plaintiff's injuries consisted only of minor lacerations.

The jury found for the plaintiff and awarded \$230,000.