

# Nonregulation access ramp causes severe injuries

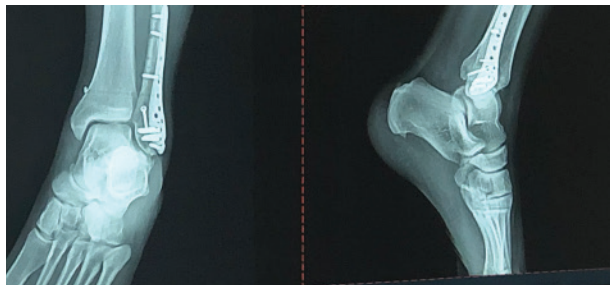
## Shopping center ramp leads to fall accident causing extensive injuries, work limitations.

In October 2020, Sam Brown (not his real name), was working a regular shift as a police offer. He stopped at a shopping plaza to pick up lunch. It had been raining all morning and as Sam returned to his parked car, he stepped onto a curbside ramp close to his car. Suddenly he slipped and fell backward. Attempting to stand up, he heard his left ankle break. Able to limp back into the restaurant, he immediately became dizzy due to the severe pain in his lower leg and collapsed, hitting his head on the floor. Bystanders called an ambulance which took him to a nearby hospital.

An examination revealed swelling in the left ankle, abrasions on his right eyebrow and left elbow, and a contusion on his forehead. A scan of Sam's cervical spine and brain ruled out acute intracranial hemorrhage or fracture. The ankle imaging disclosed a fracture of a leg bone and dislocation of his ankle. He was provided

a lower leg splint and crutches, and advised to avoid weight-bearing on the injured leg, elevate the leg, and use rest, ice, and medication to minimize pain. He was discharged home.

A few days later Sam visited an orthopedist complaining of continued ankle pain and decreased mobility. Another x-ray revealed a displaced fracture of the lower part of his fibula. Surgery was recommended and performed several days later. Doctors inserted a plate in Sam's leg, along with nine screws and a band to hold the ankle together. In a follow-up visit a week later, Sam was improving but still had pain. He was fitted with a boot walker which he had to wear at all times. He was directed not to bear any weight on his left leg and to perform exercise therapy twice daily.



Sam complied with all the instructions and eventually improved. He began twice-weekly physical therapy sessions and was released to light duty at work (no heavy lifting, no athletic activities). By December, Sam was still suffering moderate to severe pain, although intermittent. His range of motion was still significantly limited and the ankle was still swelling. His physical therapist did not think Sam should return to active duty as a police officer. He remained on light duty. For five long months, Sam endured extensive restrictions, physical therapy, and continued pain. At Sam's urging, the orthopedist finally released him to work without restrictions.

While convalescing, working under considerable restrictions, and facing mounting medical expenses, Sam contacted Searcy Denney attorney **Karen Terry** and asked for help in seeking accountability for his injuries. Ms. Terry immediately sought an evaluation of the circumstances surrounding Sam's fall in the shopping center's

parking lot. A certified general contractor expert examined the ramp and reported that the ramp failed to meet several basic standards required by building codes: 1) the ramp was too steep; 2) it did not have railings on both sides (a requirement for the ramp's length and elevation); 3) there were no posted warnings on the ramp; 4) it had no flared sides; and 5) there was no slip-resistant additive on the surface.

Sam had worked 14 years for the police department. His duties included traffic enforcement and crash, DUI, and homicide investigations, all of which involved a great deal of physical activity. At home, he used to regularly exercise and was constantly involved in household chores – cooking, cleaning, dog walking, and enjoying the company of his wife and their young daughter. His injuries severely restricted all of these activities. Over the many months of rehabilitation, Sam's limited mobility placed great burdens on his family life. Ms. Terry made claims on behalf of Sam and his wife with the insurance company representing the shopping center where this occurred. Following lengthy negotiations, the parties reached a settlement of \$400,000. ♦