

Verdicts & Settlements

Premises Liability

Tenant injured when garage door fell on her head

\$13,426,000 verdict



WUORI



RINGSMUTH

The defendant landlord bought a 1956 house out of foreclosure. There was no inspection. The defendant turned it around and rented it within 30 days to tenant. There were no inspections/evaluations by the landlord (waiting until the city inspection done months into lease). Inspection fixes in the city are not verified by the city, and the city relies upon an affidavit by the landlord.

Plaintiff's counsel put on proofs that the landlord did not fix all defects and not all timely after the landlord was cited for property code violations from that later

inspection by the city, including "toe plates" (rotting/deteriorating), which are foundational structures for the garage.

The landlord got the violation notices and undertook to fix these violations. The landlord did not ask the tenant to do so.

Months after the city violated the defendant for the inspection violations, the plaintiff was sweeping in the middle of the garage to prepare for a birthday party for a son. The kids were outside. The door was lifted up by one or more of them; it went up into the rails and then out the back rails and down on the plaintiff's head, causing immediate pain/shooting pains. Eventually, the plaintiff had to have a C5-6 neck fusion surgery, with complications and life-long difficulties.

The defendant claimed the lease was "modified" as allowed under MCL 554.139. The plaintiff argued and showed — and got the defendant called as the first witness to concede — that the lease was never modified to extinguish his duty to provide a safe premises (garage and door) fit for its intended purpose on day one of the rental.

The defendant also claimed it was "open and obvious" as to the plaintiff. But the plaintiff argued it was the defendant who got the toe plate notices, and the garage door installers testified that that was a red flag for garage door safety. The broken handle on the garage door was another red flag notice for the unsafe cables/pulleys, and that was red flag notice for the lack of sway bars, which was red flag notice for the lack of safety stop bolts at the end of the rails.

Plaintiff's counsel used garage door installers as expert witnesses; they had never been "experts," but had a lot of knowledge, experience and training on garage doors.

The trial was one week. Judge Stokes in Ingham County allowed the parties to try their respective cases fully and fairly. The defendant's attorney defended the case vigorously and professionally. The jurors spent a considerable amount of time calculating the various damages they found, which included factors such as interest, inflation, and economic and non-economic damages.

Thomas Wuori, a member of the plaintiff's team, provided case information.

Type of action: Premises liability

Injuries alleged: Neck injury from garage door falling out of rails on head, leading to fusion surgery (C/5-6)

Name of case: Phillips v. Dowrick

Court/Case no./Date: Ingham County Circuit Court; 18-409-NO; 8/5/2022

Tried before: Jury

Name of judge: Hon. Wanda Stokes

Case evaluation: \$175,000

Verdict amount: \$13,426,000

Special damages: Past economic/non-economic, future economic and non-economic

Most helpful experts: Local garage door installers who had been seen post-injury within weeks of injury

Attorneys for plaintiff: Thomas J. Wuori, lead attorney, and Blake Ringsmuth, Traverse City