

## VERDICTS & SETTLEMENTS

# Couple awarded \$6M after suffering injuries from faulty deck

■ Haviland Stewart

A COUPLE was awarded \$6 million from a verdict after suffering injuries as the result of a collapsed stairwell on a deck.

On March 18, 2017, a husband and wife in their 60s was walking up the stairs to their back deck when the entire stairwell collapsed under them. The plaintiffs were tenants of a two-story rental house in Charleston.



Christopher Romeo

According to the plaintiff's counsel, Christopher Romeo, in 2001 the builders of the rental house used particle board to connect the stairs to the deck rather than treated lum-

ber. In the years following, the particle board rotted through and was no longer structurally sound. However, this was all covered by vinyl siding, so it went undetected by the renters.

The builders of this house both died years ago, and their "company" no longer existed, and no insurance coverage for them was found, Romeo reported. At the time of the accident, Charleston Rental Properties was the property management company for the house and signed the lease as the landlord

According to Romeo, just two months before the fall, Charleston Rental Properties had an inspec-

tion that identified water intrusion issues with the back deck, including the faux header under the staircase, but it never followed up on the report.

The plaintiff's counsel argued that if Charleston Rental Properties had followed up on that report, it would have identified this as a problem that needed to be investigated, and the unsafe condition would have been revealed.

According to Romeo, the defense fought the company on liability for 5 1/2 years and accepted liability the Friday before trial. Due to that, the case in front of the jury was only about the extent of the damages.

Both the husband and the wife involved in this fall suffered notable injury. The wife had a fracture with an open reduction and internal fixation surgery the next day, infection that set in two months after surgery and follow-up hardware removal. She also suffered a comminuted intra-articular tibial plateau fracture, and now has post-traumatic arthritis in both her ankle and knee. She will likely need a total knee replacement and an ankle replacement in the future. She totaled \$96,000 in past medical bills and between \$115k and \$360k in future medical bills. The jury awarded her \$4 million.

The husband suffered ulnar neuropathy to left arm that resolved

**CASE NAME:** John and Virginia Harrison v. CRP Real Estate, LLC d/b/a Charleston Rental Properties  
**COUNTY:** Charleston  
**CASE NO.:** 2018-CP-10-04778  
**TYPE OF CASE:** Premises liability/ Residential Landlord Tenant Act  
**JURY VERDICT:** \$6 million (total)  
**PLAINTIFFS' COUNSEL:** Chris Romeo of Thurmond Kirchner and Timbes  
**DEFENSE COUNSEL:** Ford Thrift and Tommy Boger of Wall Templeton  
**JUDGE:** Judge Jefferson  
**LENGTH:** 3 days  
**DATE OF VERDICT:** Oct. 19  
**HIGH/LOW AGREEMENT:** \$1M high/\$100,000 low, new money. Previous settlement of \$600,000, so final judgment is \$1.6 million  
**LAST DEMAND:** \$900,000  
**HIGHEST OFFER:** \$400,000  
**INSURANCE CARRIER:** Auto Owners  
**DEFENSE EXPERTS:** Dr. Joseph Calandra, to dispute causation for the back injury. Michael Fryar, life care planner from North Carolina to dispute the extent of the future medical bills.  
**PLAINTIFF'S EXPERTS:** Dr. Todd Joye as life care planner; Dr. Curtis Worthington, spine surgeon; Dr. Josh Lamb, knee and ankle surgeon

after six months. Eleven months after the fall he was watching TV and experienced a horrible pain in his leg. An MRI showed disc herniation with a free fragment that was sitting on his nerve. He went in the next day to remove the free fragment. He now has partial drop foot. He totaled \$72,000 in past medical bills; no future medical bills are expected. The jury awarded him \$2 million.

The defense did not respond for comment.