DEBORAH WILLIAMS : NUMBER: 541,458, “B”

VERSUS : FIRST JUDICIAL DISTRICT COURT

UTC CARRIER CORPORATION and

SPECIALTY RISK SERVICES : CADDO PARISH, LOUISIANA

**REASONS FOR JUDGMENT**

Having considered the Motion for Summary Judgment, filed January 24, 2012 by Carrier Corporation, and its exhibits and memoranda as well as its supplemental memoranda of June 9, 2011; the opposition filed September 15, 2011 by Plaintiff Deborah Williams; the oral arguments of counsel held December 12, 2011, applicable law, the entire summary judgment record, and for reasons which follow, the Court concludes that the Motion for Summary Judgment has merit and is therefore granted.

The plaintiff’s argument is that the defendant’s employees used wooden pallets to move equipment onto the roof of Willis Knighton, negligently left scraps of wood on the roof, which subsequently flew off and injured the victim. The defendant argues that the plaintiff does not know where the wood came from nor can she produce any evidence or witnesses to indicate that the wood came from the roof. Essentially the plaintiff argues that the circumstantial evidence is enough to allow a finder of fact to hear the case.

The Court has reviewed depositions of the plaintiff, Deborah Williams, her supervisor at Willis Knighton, Justin Hardy, and the supervisor of the repairs on the roof, Marty Cole.

Marty Cole is the maintenance engineering supervisor for Willis Knighton’s Greenwood Road complex during the time of the accident. He testified that on June 3, 2009 all of the wooden pallets were removed from the roof and that the Carrier employees did not leave anything on the roof (10: 8-19). Nobody found the piece of wood, or object, that hit Ms. Williams (12: 13-25). After the incident, Cole went back to the roof and no wood or scraps were on the roof (13:20-25). Cole does not think the piece of wood came from the Carrier employees (16: 1-7). There is an issue with timing because Mr. Cole left after all of the pallets were removed, but the Carrier employees were still up there for another 30 minutes, and he has no reason to believe they brought anymore wood up there, just equipment (23). Mr. Cole does note that some small scraps of wood were located on a ledge along with a weathered larger piece of plywood, but that it looked as if it had been there for a long time.

Deborah Williams identified 2 witnesses/coworkers smoking with her during the time of the accident but neither could be located for deposition (35). Ms. Williams cannot tell where the wood came from. (37: 14-25, 38: 20-25). She did not save the piece of wood that hit her in the face (42: 1).

Justin Hardy is manager of building services housekeeping and the supervisor of the plaintiff (8: 2-23). He referenced the employee incident report which states that she was hit by an object, not specifically a piece of wood (12: 1-13). Hardy testified he went on the roof with Mr. Cole and didn’t see any wood (15:7-14). He testified the object that hit her in the face, a piece of plywood, was about a foot long and six inches wide (15: 15-20).

After a review of the summary judgment record, and notwithstanding minor differences in testimony, the Court concludes that there is no genuine issue of material fact; the plaintiff cannot carry her burden of proof at trial and the defendant Carrier is entitled to summary judgment as a matter of law.

Counsel shall submit a Judgment in accordance with La. Dist. Ct. R. 9.5.

Signed this 22nd day of February, 2012 in Shreveport, Caddo Parish, Louisiana.

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SCOTT J. CRICHTON

DISTRICT JUDGE

DISTRIBUTION:

Ree J. Casey-Jones, Counsel for Deborah Williams

Joseph M. Guillot, Counsel for Carrier Corporation

Lisa Lobrano/Walter Salley, Counsel for Intervener Willis Knighton Medical