



Sample Verdicts and Settlements from North Carolina

NEGLIGENT SECURITY

Date	Event	“Wrongful Act”	Damages	Verdict or Settlement	Notes
1998, Wake County	20 year old video store employee was shot and killed in parking lot.	Inadequate security. The family sued both the shopping center where the store was located and the store itself	Death at scene	Settlement-\$485,000 from the shopping center (amount recovered from video store confidential)	Defendant argued that the shooting was not part of a robbery attempt and thus was not foreseeable.
1998, Forsyth County	Shortly before closing time (9 p.m.) during the Christmas season, 33 year employee was attacked and robbed in the retail store. She survived but had severe head injuries.	Plaintiff sued the shopping center for negligence and inadequate security. Records showed repeated criminal activity at the shopping center and surrounding area- 452 incidents in the prior 3 years 100 of which were violent.	At the time of the settlement, the family had incurred \$1.5M on medical care.	Settlement-\$9.25M (workers comp carrier, the store itself and the shopping center owners all contributed)	Employee was pregnant with her first child. Was in a coma for months. Cannot talk, walk or swallow. Shopping center had hired a security company to provide patrol (with a gun and a pager) to conduct vehicular and foot patrol and to be highly visible.

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		<p>Security guard had complained to management that one guard was not enough.</p> <p>Records showed tenants had complained about security- especially at closing time.</p>			Hours were 8 p.m.-4 a.m.
1998, Cumberland County	Plaintiff was shot outside a Food Lion after he yelled at a group in a car to slow down and a confrontation ensued.	Inadequate security (sued the store, the security company and management company for the shopping center)		Settlement- \$90,0000	<p>Contributory negligence issue</p> <p>Shopping center had a history of violent incidents particularly during the time period in which plaintiff was shot.</p>
1999, Mecklenburg County	21 year old college senior was shot in the face in a field which was used by patrons of a nightclub.	<p>Failure to provide adequate security.</p> <p>The parking lot that was part of the nightclub’s leased premises filled up fast and patrons often parked in</p>	Past medicals of \$240,000. Future medicals of \$2M allegedly.	Settlement- \$500,000	<p>Defendant argued the field was not part of its premises and thus it owed no duty to provide security there.</p> <p>Off duty police officer employed by defendant testified that</p>

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		surrounding areas including the field where this shooting occurred (100 yards from the nightclub across the street).			he was told to patrol that area as part of his rounds. Crime reports showed numerous criminal incidents at or near the premises-6 armed robberies in the prior 10 months.
2000, Johnston County	65 year old hotel guest shot in parking lot in an attempted robbery.	The interstate exit where the hotel was located had a great deal of crime. Over 300 criminal incidents in the 26 months prior to this incident.	Over \$100,000	Settlement-\$600,000	Defendants claimed there was no crime problem at their location. There were 2 shotgun armed robberies at the hotel next door in the 2 weeks before the incident.
2001, Mecklenburg County	Plaintiff shot in parking lot while getting in her car.	Inadequate security. Defendant employees admitted in deposition that other customers had complained about the lack of security but they did not report	\$109,000 in medical expenses and alleged future medicals of \$2.5M	Settlement, \$3M	Defendant’s management admitted in deposition that the premises were maintained in violation of their own policies, that security should have been reviewed but

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		these complaints to management because management had expressed an unwillingness to spend money on additional security. Vagrants loitered nearby.			was not and that additional security was needed. Local police reports showed prior incidents of customers being confronted in the parking lot.
2006	Plaintiff was shot while working at a payday lending location	Claimed inadequate security.		Settlement-\$600,000	No significant prior crime in the area, voluntary additional security that owner implemented

ACCIDENTS

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1996, Avery County	76 year old female tripped and fell over blended step/incline near entrance to the store	Plaintiff’s expert testified that the structure created the illusion of one step and this posed a tripping hazard.	Medical expenses of \$16k and lost wages/lost earning capacity of \$48k	Settlement-\$52,600	Defendant argued open and obvious hazard. Plaintiff also used “momentary diversion” principle

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1997, Guilford County	Plaintiff slipped and fell in a Harris Teeter on an invisible build up of aerosol spray residue caused by customers testing products for their scent.	Allowed build up to remain on floor.	Medical expenses of \$4,800. Plaintiff suffered a fractured elbow, ulnar nerve damage, shoulder injuries	Verdict (reduced by consent)- \$250,000	
1998, Eastern District (federal court)	Plaintiff fell on a plastic coat hanger that was on the floor. She could not see it because the floor and hanger were the same color.	Allowed hanger to remain on floor	Medical expenses of \$12,000 and future medicals of \$50,000.	Verdict- \$353,300 for plaintiff and \$25,000 for her husband (loss of consortium)	Plaintiff suffered from spina bifida and this allegedly aggravated her condition.
1998, Nash County	Older woman slipped on wet floor at Hardee’s after a spilled drink was incompletely mopped up near the self-serve drink area.	Incomplete clean up of spill. Eyewitness saw an employee mop it up but did not move a warning sign into the area.	Over \$11,000 in medicals. Suffered a fractured kneecap and broken dentures.	Settlement - \$47,500	

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1999	2 year old child was shocked by a florescent light fixture beneath the customer service counter in a restaurant.	Protective cover over the light was missing which is why the boy received a shock when he touched it. Discovery revealed that 5 years prior another 2 year old was shocked under similar circumstances in another location owned by same defendant.	\$1,004 in medicals	Settlement- \$100,000 for the child and \$20,000 for the mother	Mother had a claim for infliction of emotional distress
1999, New Hanover County	Carpenter was electrocuted at a movie studio back lot. He was using an aerial lift to move a door when he contacted power lines and was severely burned.	The set was placed too close to power lines (within 10 feet). Plaintiff argued that the lines should have been buried, insulated or deenergized.	Suffered burns over 45% of his body. Suffered spinal cord injury and blind in one eye. Permanent disability.	Tried- \$2.5M	
1999 and 2002, Robeson County	Plaintiff received head and neck injuries when a portion of the ceiling collapsed above her	Ceiling was made of acoustical tile. Was not properly maintained.	\$7,072 in medicals	Verdict- tried 2 times- First trial- \$275,000 and second trial- \$375,000 (Judge overruled the	

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	while at the defendant’s store.			first verdict saying it was excessive.)	
2000, Granville County	Plaintiff, 42 year old woman, slipped and fell while leaving a store in a shopping center. She stepped off the curb cut and fell.	Plaintiff’s expert testified that the grade of the curb cut was too steep and the pain was non-skid. The application instructions for the paint said it should not be used to paint large areas subject to pedestrian traffic.	\$30,825 in medicals and \$14,671 in lost wages	Settlement-\$150,000	
2001, Edgecombe County	Plaintiff was hit on the head by mis-stacked trash cans on a store shelf that fell.	The mis-stacking	\$18,519 in medicals and \$3,109 in lost wages	Verdict-\$210,000	
2002, Wake County	Plaintiff tripped over an elevated section of a concrete sidewalk in common area of complex where dentist office she was visiting was located.	The concrete was badly discolored and dingy and hard to see in the shade. The sidewalk was in need of repair.	\$25,000 in medicals	Settlement-\$100,000	There was a work order produced to repair the sidewalk from right before the fall and a letter from the association stating that the rise in the sidewalk could cause someone to fall.

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2005	Plaintiff twisted her ankle on broken pavement in a McDonald’s parking lot.	Failure to maintain parking lot	\$18,000 in medicals	Verdict-\$125,000	Plaintiff had demanded \$55,000 prior to trial. Defendant offered \$5,000.

OTHER

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1999, Elizabeth City (federal court)	Plaintiff, age 23, went to Wal-Mart to buy batteries for his flashlight. Took the flashlight with him Security then stopped him and thought he stole the flashlight. He was put in handcuffs and pepper sprayed.	Plaintiff sued for false arrest, assault and negligence	N/A	Verdict-\$25,000 in compensatory damages and \$100,000 in punitive damages	
2006	17 year old plaintiff was stopped for suspected shoplifting and was handcuffed. She was not shoplifting.	Security guard’s actions violated written store policy with regard to shoplifters, use of handcuffs and use of force.	Claimed injuries of humiliation, embarrassment, fear of future false accusations as well as bruising and scratching.	Settlement-\$100,000	Store security confronted her without identifying herself and wore no uniform. She was physically restrained.