



# METRO VERDICTS MONTHLY

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It is our understanding that you participated as trial counsel in Barksdale v. WMATA, a summary of which follows. This summary has been compiled using information provided by at least one participating attorney. We are faxing a copy to you as a courtesy to ensure accuracy in our verdict reporting. Your assistance in reviewing this summary within the next two days is sincerely appreciated. Please fax any corrections or additions to us at 502-241-2763 as soon as possible after receipt of this notice. Should you prefer, you can also email corrections to me at cscott64@bellsouth.net.

This summary will be published electronically on LEXIS-NEXIS, WestLaw and [www.verdicts.com](http://www.verdicts.com). It may also appear in Metro Verdicts Monthly.

## District of Columbia Superior Court

Verdict: \$45,000 plus \$2,500 in costs.

Judge: Robert E. Morin

Date of Verdict: 4/26/2006

Plaintiff's Attorney(s): Douglas R. Sparks, Washington  
Lawrence S. Lapidus, Washington

Defendant's Attorney(s): Karen Kohn Fineblum, Washington

**Facts:** A Washington Metro Area Transit Authority (WMATA) passenger's injury in its Anacostia station was allegedly connected to the inclement weather. Defendant claimed governmental immunity and that plaintiff was contributorily negligent. A District of Columbia jury awarded the plaintiff \$45,000 after deliberating 2.5 hours. Plaintiff Patricia Showell Barksdale was a security guard at the IRS building in the District of Columbia. She used Defendant WMATA's transportation to travel to and from work. In December 2002, a severe weather alert was issued for the metropolitan area. According to WMATA policies, employees are required to report to work one hour early to open and maintain its stations during weather alerts. Defendant's employees allegedly did not report to work early and many did not come in at all. As a result, plaintiff alleged the interior of the station was tracked with slush and snow. Plaintiff attempted to take an elevator to a lower level, but it was not working. Only one descending escalator was working at the time. Plaintiff stepped onto the escalator and her foot slipped out from under her on the wet surface. She fell to the bottom of the escalator. Plaintiff initially alleged premises liability, but the Court granted defendant's motion for summary judgment based on governmental immunity. The Court ruled that defendant had no duty to maintain the premises. Ultimately, the only count considered by the jury was failure to warn.

Plaintiff alleged defendant's policy manual required it to warn commuters of impending dangers on a public address system, which she said was not working at the time of this incident. Plaintiff argued that defendant had superior knowledge that the elevators, escalators and heating systems were not working, thereby causing a freeze situation on the wet floors. Plaintiff denied she was contributorily negligent and claimed she was simply walking down the escalator while on her way to work. She argued that nothing she did was out of the ordinary and she had a right to expect that she could travel to work uneventfully. Plaintiff claimed she sustained a fractured tibia as a result of the fall.

Defendant contended that plaintiff was able to see that the station was messy and should have realized the danger. Therefore, defendant argued it did not have a duty to warn plaintiff.

**Plaintiff Personal Data:** Plaintiff was a 30 year old single female employed as a security guard.

**Alleged Injury:** Fractured tibia that required open reduction and internal fixation (rod placement). Plaintiff was able to work, but changed to a more sedentary occupation. She sought \$13,000 in medicals and \$5,500 in lost wages.

**Jury Deliberations:** 2.5 hours

**Insurance Carrier:** Self-insured

**Settlement Efforts:** Last Demand: \$90,000  
Last Offer: None

**Case Caption:** Patricia Showell Barksdale v. WMATA Case Number: 2003CA010024B