

# CASE FEATURE

## Pottenger Fights For Client: Overturns Unjust Judgment

Determination, it is an aspect that every great attorney should have. This case feature is another example of how determination changed the outcome of a case and helped improve a client's life.

In personal injury, slip and fall cases are always a challenge. This is because the defendant will typically try to put the blame on the plaintiff. If a plaintiff is found to share even 10% of the blame, it will affect the final judgment.

In this case, our client was walking down an aisle in a grocery store when she slipped and fell on a wet floor. Additionally, the employee had followed procedures and put a Caution Wet Floor sign up, and the entire incident was caught on video. Usually, this would make the case more difficult, and in some cases, impossible. However, our client had received a severe injury to her knee, and she was an incredibly kind person. Due to that, we decided she should have her day in court.

As expected, the defendants refused to negotiate, and the case was prepared for trial. However, prior to the trial, the defendant urged the trial court to enter judgment against our client. They argued that no reasonable jury could find that the defendant was negligent. Our rebuttal was that it would be improper for the court to substitute its judgment for a jury's. Unfortunately, the trial court sided with the defendant, and they entered judgment against our client.

Because we believed the trial Court erred. We filed an appeal to the 8th Circuit Court of Appeals - normally, if a trial court rules against you, appeals are a challenging proposition, and they have a low probability of success. However, our argument was concise. It may have been possible for a jury not to find the defendant negligent, but a jury had to decide the issue. The trial court improperly took that decision away from the jury.

Ultimately, the Court of Appeals agreed with our argument, and they entered a unanimous order to reverse the trial court's order, sending our case back to the trial court. Shortly after the case was reversed, the parties had reached a confidential settlement.

The Pottenger Law Firm will always fight for our clients, and we always do everything we can to ensure just compensation. If you've been injured in an accident, contact us. We are always available, and we will set up a free consultation to discuss your claim. You can reach us by phone at 816-531-6006 or on our website.



## CONTACT US TODAY

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