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TLSS Partner Bradley Guldalian Obtains Summary Judgment In Electrocution Case

Related Attorneys: Bradley T. Guldalian

On October 9, 2018, TLSS Partner Bradley Guldalian obtained summary judgment and a complete dismissal of the negligence claims asserted against his client, a commercial landowner in Ocala, Florida. In the case, the Plaintiff was painting a commercial building in 2014 when the aluminum ladder upon which she was standing allegedly came into contact with an "exposed bolt connector" located on an electrical power line leading to the building. The Plaintiff was electrocuted, suffered serious burns to her body, and fell eight to ten feet off the ladder upon which she was standing and onto her husband who was on the ground next to the ladder seriously injuring him. The Plaintiff immediately went into cardiac arrest. When first responders arrived, the Plaintiff was not breathing and a pulse could not be detected. The Plaintiff was loaded into an ambulance and shocked repeatedly by a defibrillator at which time a slight heartbeat was detected. The Plaintiff was taken to Ocala Regional Medical Center and then, due to the seriousness of her condition, airlifted to Shands Hospital in Gainesville. As a result of being electrocuted and falling from the ladder, the Plaintiff suffered a traumatic brain injury, burns and other traumatic injuries and incurred over \$100,000 in medical expenses. The Plaintiff's husband sustained soft tissue injuries to his neck and back.

The Plaintiffs sued the owner of the commercial building for negligence alleging the building owner failed to maintain the building in a reasonably safe condition by allowing the "exposed bolt connector" to exist on the power line connected to the building, and in failing to warn invitees, such as the Plaintiffs, of known hazards or hazardous conditions on the property. After the close of discovery, Mr. Guldalian filed a Motion for Summary Judgment seeking dismissal of the claims asserted against the owner of the commercial building. In his motion, Mr. Guldalian argued that "the exposed bolt connector" the Plaintiff allegedly came into contact which caused her electrocution and fall was located on a portion of the power line that was owned, possessed, controlled, and operated by the local utility company, not by the building owner. Accordingly, Mr. Guldalian argued the commercial building owner had no duty to maintain that portion of the power line or to warn the Plaintiffs that there was an "exposed bolt connector" on the power line. Mr. Guldalian also argued that summary judgment was appropriate because the Plaintiffs were independent contractors over whom the owner of the commercial building exercised no supervision or control and for whom the owner of the commercial building owned no duty of care. After hearing oral arguments on the motion, the circuit court agreed with Mr. Guldalian's positions, entered summary judgment in favor of the owner of the commercial building, and dismissed the Plaintiffs claims against Mr. Guldalian's clients. The time for the Plaintiffs to file an appeal of the circuit court's ruling has now passed and the judgment in favor of the owner of the commercial building owner is now a final, non-appealable judgment.