

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

Ashley D. Adams v. E-Z Mart Stores, Inc.

Adams · No. 23-CV-278-RAW · Decided February 13, 2026

SUMMARY

The United States District Court for the Eastern District of Oklahoma denied in part E-Z Mart Stores, Inc.’s motion for summary judgment on negligence-related claims arising from Lonnie Adams’s death while working in an underground tank sump. The court held that factual disputes remained concerning negligence per se, the open-and-obvious-danger doctrine, independent-contractor liability, inherently dangerous work, and causation. The court granted summary judgment on punitive damages because the record did not support an inference of gross negligence or reckless disregard.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	February 13, 2026
DOCKET	23-CV-278-RAW
DISPOSITION	other
PROCEDURAL POSTURE	Defendant E-Z Mart Stores, Inc. moved for summary judgment on the plaintiff's negligence-based claims and punitive-damages claim.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 56, summary judgment is proper when the record shows no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. The evidence is viewed in the light most favorable to the nonmoving party, and the court applies Oklahoma substantive law in this diversity action.
PRECEDENTIAL VALUE	unpublished

TOPICS

- summary judgment
- premises liability
- negligence
- punitive damages
- civil procedure

PRACTICE AREAS

- torts
- premises liability
- wrongful death
- civil procedure
- punitive damages

QUESTIONS PRESENTED

1. Whether summary judgment was proper on the plaintiff's negligence per se claim based on alleged violations of OSHA confined-space regulations.
2. Whether the open-and-obvious doctrine barred the plaintiff's premises-liability claim as a matter of law.
3. Whether E-Z Mart was entitled to summary judgment because Lonnie Adams was an employee of an independent contractor and the alleged hazards were inherent in his work.
4. Whether disputed facts concerning whether the work was inherently dangerous precluded summary judgment.
5. Whether the record contained sufficient evidence of malicious, reckless, willful, wanton, or grossly negligent conduct to submit punitive damages to the jury.

HOLDINGS

1. Summary judgment was not warranted on the negligence per se claim because Lonnie Adams was within the class of persons protected by the applicable OSHA confined-space regulations and genuine disputes existed concerning whether E-Z Mart's regulatory violations proximately caused his death.
2. The open-and-obvious doctrine did not warrant summary judgment because disputed facts existed concerning whether the sump's dangers were open and obvious, whether Adams understood those dangers, and whether he was required or practically compelled to encounter them to perform his work.
3. E-Z Mart was not entitled to summary judgment merely because Adams was an employee of an independent contractor, E-Z Mart did not direct his work, or the alleged hazards were inherent in the work.
4. Summary judgment was improper on the inherently dangerous activity issue because disputed facts existed concerning whether work in the tank sump constituted an inherently dangerous activity under Oklahoma law.
5. E-Z Mart was entitled to summary judgment on punitive damages because the summary-judgment record contained no evidence from which a reasonable jury could find malicious, reckless, willful, wanton, or grossly negligent conduct.

KEY QUOTATIONS

“the “open and obvious doctrine is not absolute.”” (Section III.B)

“The summary-judgment record does not contain facts from which a reasonable jury could conclude that Defendant's actions were malicious, reckless, willful, wanton, or grossly negligent” (Section III.E)

FACTUAL BACKGROUND

E-Z Mart owned a Talihina, Oklahoma, convenience-store gas station containing a 71-inch-deep underground tank sump serviced by ProCore, an outside contractor. Lonnie Adams, a ProCore employee with disputed levels of training and experience, entered the sump on August 28, 2015, after an alarm involving the fuel pumps, and was later found unresponsive and dead. The medical examiner identified asphyxia due to a vitiated atmosphere

among the pathologic diagnoses, while the parties disputed the significance of detected methamphetamine and alcohol. OSHA subsequently cited E-Z Mart for failing to properly identify and mark the permit-required confined space and cited ProCore for several related safety violations.

PROCEDURAL HISTORY

Ashley D. Adams, widow of Lonnie Adams, sued E-Z Mart after Lonnie Adams died while working in an underground tank sump on E-Z Mart's property. E-Z Mart moved for summary judgment. The court denied the motion as to the negligence claims and granted it as to punitive damages.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Adickes v. S.H. Kress & Co., 398 U.S. 144 (1970)
- Posey v. Skyline Corp., 702 F.2d 102 (7th Cir. 1983)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574 (1986)
- Garratt v. Walker, 164 F.3d 1249 (10th Cir. 1998)
- Martinez v. Angel Expl., LLC, 798 F.3d 968 (10th Cir. 2015)
- Scott v. Archon Grp., L.P., 191 P.3d 1207 (Okla. 2008)
- Busby v. Quail Creek Golf and Country Club, 885 P.2d 1326 (Okla. 1994)
- McGee v. El Patio, LLC, 2023 OK 14, 524 P.3d 1283
- Pickens v. Tulsa Metro. Ministry, 1997 OK 152, 951 P.2d 1079
- Martin v. Aramark Services, Inc., 2004 OK 38, 92 P.3d 96
- Sholer v. State ex rel. Dept. of Public Safety, 256 P.3d 39 (Okla. 2011)
- Wood v. Mercedes-Benz, 2014 OK 68, 336 P.3d 457
- Norton v. Spring Operating Co., 2020 OK CIV APP 18, 466 P.3d 598
- Zagal v. Truckstops Corp. of Am., 1997 OK 75, 948 P.2d 273
- Bird v. Pruett's Food, Inc., 2023 OK 92, 536 P.3d 578
- Young v. Bob Howard Automotive, Inc., 2002 OK CIV APP 80, 52 P.3d 1045
- Williamson v. Fowler Toyota, Inc., 956 P.2d 858 (Okla. 1998)
- Hudgens v. Cook Industries, Inc., 1973 OK 145, 521 P.2d 813
- Burke v. Thomas, 1957 OK 154, 313 P.2d 1082
- Sinclair, 2020 WL 3965010
- Fuller v. Neundorf, 278 P.2d 836 (Okla. 1954)
- McGinley v. Am. Dump Trucks, Inc., 2021 WL 4517687

- Graham v. Keuchel, 847 P.2d 342 (Okla. 1993)
- State ex rel. Pollution Control Coordinating Bd. v. Kerr-McGee Corp., 619 P.2d 858 (Okla. 1980)
- Myers, 609 F. Supp. 3d 1238
- Hinds v. Warren Transp., Inc., 882 P.2d 1099 (Okla. Civ. App. 1994)
- Gowens v. Barstow, 364 P.3d 644 (Okla. 2015)
- Thiry v. Armstrong World Indus., 661 P.2d 515 (Okla. 1983)
- Price v. Howard, 2010 OK 26, 236 P.3d 82

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-oklahoma-united-states-district-court-for-t/2026/ashley-d-adams-v-e-z-mart-stores-inc-ceorhewk>