

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Nona Mingo v. Home Depot USA, Inc.

Mingo · No. H-24-4589 · Decided March 23, 2026

SUMMARY

The United States District Court for the Southern District of Texas grants Home Depot USA, Inc.'s motion for summary judgment in Nona Mingo's negligence, gross negligence, and premises liability action arising from a trip over a flatbed cart. The court concludes that the video evidence and Mingo's admissions establish that Home Depot had no liability under the asserted theories and that the cart was open and obvious. The court also denies Mingo's request for additional discovery under Federal Rule of Civil Procedure 56(d).

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
WRITING FOR THE COURT	Lee H. Rosenthal
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	March 23, 2026
DOCKET	H-24-4589
DISPOSITION	other
PROCEDURAL POSTURE	Home Depot removed Mingo's Texas state-court personal-injury action to federal court and moved for summary judgment. Mingo opposed the motion and requested additional discovery under Federal Rule of Civil Procedure 56(d).
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that no genuine dispute of material fact exists and that it is entitled to judgment as a matter of law. The court views the evidence and reasonable inferences in the light most favorable to the nonmovant, but may rely on the facts depicted by clear video evidence when that evidence contradicts the nonmovant's account. When the nonmovant bears the trial burden, the movant may point to an absence of evidence supporting an essential element, after which the nonmovant must identify specific evidence showing a genuine issue for trial.

PRECEDENTIAL VALUE	unpublished
PARTIES	Nona Mingo v. Home Depot USA, Inc.

TOPICS

premises liability summary judgment negligence standard of care civil procedure

PRACTICE AREAS

premises liability negligence civil procedure summary judgment personal injury

QUESTIONS PRESENTED

1. Whether Home Depot was entitled to summary judgment on Mingo's premises-liability and negligence theories because the record showed no genuine dispute of material fact concerning notice, unreasonable danger, breach, causation, or any duty to warn or train.
2. Whether clear video evidence displaced Mingo's contrary description of how the accident occurred.
3. Whether Mingo's Rule 56(d) request for additional discovery should be granted.

HOLDINGS

1. Home Depot was entitled to summary judgment because Mingo presented no evidence creating a genuine dispute that Home Depot had actual or constructive knowledge of an unreasonably dangerous condition, failed to exercise reasonable care, or proximately caused the injury. The undisputed record also showed that the cart was open and obvious and that Home Depot did not have a duty to warn or provide additional training concerning a commonly known and readily visible cart hazard.
2. The court could rely on clear video evidence depicting the accident rather than Mingo's description where the video contradicted her account.
3. Mingo's Rule 56(d) request was denied because she did not identify additional discovery that would affect the determinative summary-judgment issues.

KEY QUOTATIONS

“Under Texas law, ‘a property owner generally owes those invited onto the property a duty to make the premises safe or to warn of dangerous conditions as reasonably prudent under the circumstances.’” (at 4)

“Although evidence is reviewed in the light most favorable to the nonmoving party, the Fifth Circuit has instructed that courts assign even greater weight, even at the summary judgment stage, to the facts evidenced from video recordings taken at the scene.” (at 5)

“The video evidence is clear that Home Depot does not bear liability, under any theory, for Mingo’s fall.” (at 7)

FACTUAL BACKGROUND

Mingo, a former Home Depot employee, tripped over a bright orange flatbed cart at a Home Depot store in Spring, Texas, on March 14, 2024. A customer wheeled the cart through the entrance and stopped it next to Mingo and coworker Kayla Hutchinson for no more than two seconds. Video evidence showed that Mingo had the clearer view of the cart, took several steps toward it, and fell sideways rather than backward; Mingo also testified that the cart was bright orange, recognizable, and a type of cart she had previously seen and used.

PROCEDURAL HISTORY

Mingo sued Home Depot in Texas state court after tripping over a customer-used flatbed cart at a Home Depot store. Home Depot timely removed the action based on diversity jurisdiction and moved for summary judgment. The district court granted summary judgment for Home Depot, denied Mingo's Rule 56(d) request, and stated that final judgment would be entered separately.

DISPOSITION

other

CASES CITED

- Springboards to Educ., Inc. v. Pharr-San Juan-Alamo Indep. Sch. Dist., 33 F.4th 747, 749 (5th Cir. 2022)
- Thomas v. Tregre, 913 F.3d 458, 462 (5th Cir. 2019), as revised (Jan. 25, 2019)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 250 (1986)
- Ion v. Chevron USA, Inc., 731 F.3d 379, 389 (5th Cir. 2013)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- MDK Sociedad De Responsabilidad Limitada v. Proplant Inc., 25 F.4th 360, 368 (5th Cir. 2022)
- Nola Spice Designs, L.L.C. v. Haydel Enterprises, Inc., 783 F.3d 527, 536 (5th Cir. 2015)
- Houston v. Tex. Dep't of Agric., 17 F.4th 576, 581 (5th Cir. 2021)
- Jones v. Gulf Coast Rest. Grp., Inc., 8 F.4th 363, 368 (5th Cir. 2021)
- Shah v. VHS San Antonio Partners, L.L.C., 985 F.3d 450, 453 (5th Cir. 2021)
- Sanchez v. Young County, 956 F.3d 785, 791 (5th Cir. 2020)
- Robbins v. Sam's East, Inc., No. 21-20050, 2021 WL 3713543, at *1 (5th Cir. Aug. 20, 2021) (per curiam)
- Occidental Chem. Corp. v. Jenkins, 478 S.W.3d 640, 644 (Tex. 2016)
- McCarty v. Hillstone Rest. Grp., Inc., 864 F.3d 354, 358 (5th Cir. 2017)
- Austin v. Kroger, L.P., 465 S.W.3d 193, 201-02, 215 (Tex. 2015)
- Molina v. Home Depot USA, Inc., 20 F.4th 166, 169 (5th Cir. 2021)
- Kroger Co. v. Elwood, 197 S.W.3d 793, 794 (Tex. 2006)
- Wilson v. City of Bastrop Through Cotton, 526 F. Supp. 3d 170, 178 (W.D. La. 2021)
- Carnaby v. City of Houston, 636 F.3d 183, 187 (5th Cir. 2011)
- Webb v. Jordan, Civ. Action No. 13-1121, 2014 WL 4278340, at *3 (W.D. La. Aug. 28, 2014)
- Scott v. Harris, 550 U.S. 372, 380 (2007)
- Brookshire Grocery Co. v. Goss, 262 S.W.3d 793, 795 (Tex. 2008)

- Vasquez v. Home Depot USA, Inc., No. 23-20457, 2024 WL 1597756, at *2-3 (5th Cir. Apr. 12, 2024)
- Washington v. Family Dollar Stores of Tex., LLC., 803 F. Supp. 3d 548, 554 (S.D. Tex. 2025)

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