

SUPREME COURT OF ALABAMA

Cloninger v. Wal-Mart Stores, Inc.

794 So. 2d 364 (Ala. 2001) · No. 1992183 · Decided March 30, 2001

SUMMARY

The Alabama Supreme Court affirmed a defense verdict for Wal-Mart in a negligence and wantonness action arising from a boxed fan that struck a customer in a store. The court held that the evidence supported the verdict, found no error in limiting evidence of prior falling-merchandise incidents to comparable incidents at the same store, and upheld judgment as a matter of law on the wantonness claim.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Houston, Justice; Moore, C.J.; Lyons, J.; Woodall, J.; Johnstone, J.
JURISDICTION	Alabama
DECIDED	March 30, 2001
DOCKET	1992183
DISPOSITION	affirmed
PROCEDURAL POSTURE	After a jury returned a defense verdict on the negligence claim and the trial court entered judgment as a matter of law for Wal-Mart on the wantonness claim, Bonnie Cloninger appealed the denial of her post-trial motion for judgment as a matter of law or a new trial.
STANDARD OF REVIEW	A jury verdict is presumed correct, with the presumption strengthened when the trial court denies a new trial; the verdict is set aside only if plainly and palpably wrong, viewing the evidence in the light most favorable to the prevailing party. Evidentiary rulings are reviewed under the trial court's broad discretion, and reversal requires a showing that the alleged error probably injuriously affected substantial rights.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Alabama
PARTIES	Bonnie Cloninger, Billie Cloninger v. Wal-Mart Stores, Inc.

TOPICS

- premises liability
- negligence
- evidence
- standard of review
- appellate procedure

PRACTICE AREAS

premises liability negligence evidence appellate procedure

QUESTIONS PRESENTED

1. Whether the jury's verdict for Wal-Mart on the negligence claim was plainly and palpably wrong or unsupported by sufficient evidence.
2. Whether the trial court abused its discretion by excluding evidence of falling-merchandise incidents at Wal-Mart stores other than the Gadsden store.
3. Whether the trial court properly entered judgment as a matter of law for Wal-Mart on the wantonness claim.

HOLDINGS

1. The jury's verdict for Wal-Mart on the negligence claim was supported by sufficient evidence and was not plainly and palpably wrong.
2. The trial court did not err by limiting evidence of falling-merchandise incidents to sufficiently relevant incidents at the Gadsden store involving items stacked high and falling onto customers.
3. The trial court properly entered judgment as a matter of law for Wal-Mart on the wantonness claim because the plaintiffs presented no substantial evidence of wantonness.

KEY QUOTATIONS

"A jury verdict is presumed to be correct, and that presumption is strengthened when the trial judge refuses to grant a new trial." (366)

"The owner of the premises is not an insurer of the safety of its invitees, and the principle of res ipsa loquitur is not applicable." (366)

FACTUAL BACKGROUND

On May 26, 1996, Bonnie Cloninger was shopping in Wal-Mart's Gadsden store when a boxed fan struck the back of her neck and shoulder. She claimed that Wal-Mart had negligently placed an overstock fan on a top riser shelf in an unstable manner. Wal-Mart employees testified that there were no fans on the riser, that the department was neat and orderly, and that the evidence did not establish that Wal-Mart caused the fan to fall.

PROCEDURAL HISTORY

The Cloningers sued Wal-Mart after a boxed fan struck Bonnie Cloninger in a Gadsden store, asserting negligence and wantonness and initially seeking loss-of-consortium damages. The trial court entered judgment as a matter of law for Wal-Mart on wantonness, and the jury found for Wal-Mart on negligence. The trial court denied Bonnie Cloninger's post-trial motion, and the Supreme Court of Alabama affirmed.

DISPOSITION

affirmed

CASES CITED

- Cobb v. MacMillan Bloedel, Inc., 604 So. 2d 344, 345 (Ala. 1992)
- Brown v. Autry Greer & Sons, Inc., 551 So. 2d 1049, 1050 (Ala. 1989)
- Wal-Mart Stores, Inc. v. Thompson, 726 So. 2d 651, 655 (Ala. 1998)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/alabama-supreme-court-of-alabama/2001/cloninger-v-wal-mart-stores-inc-cqi0ise5>