

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Barbara Krieger v. Walmart Stores East, L.P.

No. 2:24-CV-171 · No. No. 2:24-CV-171 · Decided April 16, 2026

SUMMARY

The court denied Wal-Mart Stores East, L.P.’s motion for summary judgment in Barbara Krieger’s premises-liability action arising from her slip and fall in a Wal-Mart vestibule. The court held that disputed issues of material fact existed regarding the hazardous condition, causation, Wal-Mart’s creation or notice of the condition, and comparative fault.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Cynthia Richardson Wyrick
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	April 16, 2026
DOCKET	No. 2:24-CV-171
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment in a premises-liability action arising from Plaintiff’s fall in a store vestibule.
STANDARD OF REVIEW	Summary judgment is appropriate under Federal Rule of Civil Procedure 56 only when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The evidence must be viewed in the light most favorable to the nonmoving party, and the court may not weigh evidence or determine credibility.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- premises liability
- negligence
- comparative fault
- summary judgment
- standard of care

PRACTICE AREAS

- premises liability
- negligence
- personal injury
- comparative fault
- summary judgment

QUESTIONS PRESENTED

1. Whether genuine disputes of material fact existed regarding the existence of a dangerous or hazardous condition.
2. Whether genuine disputes of material fact existed regarding whether a dangerous condition caused Plaintiff's fall.
3. Whether Plaintiff presented sufficient evidence that Walmart created the dangerous condition or had actual or constructive notice of it.
4. Whether comparative fault could be resolved as a matter of law in Walmart's favor at the summary-judgment stage.

HOLDINGS

1. Summary judgment was improper because Plaintiff and her husband presented evidence from which a reasonable jury could find that water or another hazardous substance was present on the vestibule floor when Plaintiff fell.
2. Summary judgment was improper because a reasonable jury could find that a hazardous condition on the vestibule floor caused Plaintiff's fall.
3. Summary judgment was improper because the record contained evidence from which a reasonable jury could find that Walmart created or had constructive notice of a dangerous condition.
4. Walmart was not entitled to judgment as a matter of law on comparative fault because the percentage of fault attributable to Plaintiff remained a disputed factual issue for the jury.

KEY QUOTATIONS

“It is well settled that it is the rare negligence case that can be resolved by summary judgment.” (Section III)

“allocating fault is essentially a fact question, best left to the jury unless the proof is so clear that reasonable minds could not disagree.” (Section III.D)

FACTUAL BACKGROUND

On or about December 1, 2023, Barbara Krieger fell in the vestibule of a Walmart store in Newport, Tennessee during rainy weather. Mats were placed at the entry doors but not near the exit door and area where Krieger fell, and no wet-floor warning signs were present. Krieger and her husband testified that the floor was wet and that she slid several feet before falling; Walmart employees testified that even small amounts of water could make the vestibule floor hazardous and that customers entering through the exit door was foreseeable. Two similar rain-related slip incidents had been reported in the vestibule during the preceding year.

PROCEDURAL HISTORY

Barbara Krieger sued Walmart Stores East, L.P. after falling in Walmart's vestibule during rainy weather. Walmart moved for summary judgment, arguing that Plaintiff could not establish a dangerous condition, causation, creation or notice, or a degree of comparative fault permitting recovery. The district court denied the motion because genuine disputes of material fact existed on each issue.

DISPOSITION

other

CASES CITED

- Koshani v. Barton, 374 F. Supp. 3d 695, 701-02 (E.D. Tenn. 2019)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-52 (1986)
- Dugger v. American Water Heater Co., No. 2:18-CV-00185-SKL, 2020 WL 12862727, at *5
- Jones v. Sandusky Cty., Ohio, 541 F. App'x 653, 659 (6th Cir. 2013)
- Nat'l Satellite Sports, Inc. v. Eliadis, Inc., 253 F.3d 900, 907 (6th Cir. 2001)
- Duncan v. Anderson Cnty., Tenn., No. 3:20-CV-8-TAV-HBG, 2020 WL 7774905, at *1
- Street v. J.C. Bradford & Co., 886 F.2d 1472, 1478 (6th Cir. 1989)
- Goodman v. J.P. Morgan Inv. Mgmt., Inc., 954 F.3d 852, 859 (6th Cir. 2020)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323, 330 n.2 (1986)
- E. Tennessee Nat. Gas, LLC v. .32 Acres in Jefferson Cty., Tenn., No. 3:13-CV-47, 2013 WL 5555044, at *1
- Curtis Through Curtis v. Universal Match Corp., 778 F. Supp. 1421, 1423 (E.D. Tenn. 1991)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986)
- Plunk v. Nat'l Health Investors, Inc., 92 S.W.3d 409, 414 (Tenn. Ct. App. 2002)
- Trentham v. Mid-Am. Apts., LP, 705 S.W.3d 151, 160, 162 (Tenn. 2025)
- Penn v. Wilderness Dev. Corp., No. 25-5139, 2025 WL 2993747, at *2 (6th Cir. Oct. 24, 2025)
- Blair v. West Town Mall, 130 S.W.3d 761, 766 (Tenn. 2004)
- Reidinger v. Trans World Airlines, Inc., 463 F.2d 1017, 1021 (6th Cir. 1972)
- O'Connell v. Walmart Stores East, LP, No. 2:19-cv-00059, 2021 WL 679272, at *3
- Henley v. Amacher, No. M1999-02799-COA-R3-CV, 2002 WL 100402, at *7 & n.1 (Tenn. Ct. App. Jan. 28, 2002)
- Wilson v. TMBC, LLC, No. W2013-01907-COA-R3CV, 2014 WL 2191992, at *6 (Tenn. Ct. App. May 27, 2014)
- McIntyre v. Balentine, 833 S.W.2d 52, 57 (Tenn. 1992)