

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
GEORGIA, ATLANTA DIVISION

Charles Jackson v. TA Operating LLC, et al.

Jackson v. TA Operating LLC · No. 1:25-CV-2909-TWT · Decided June 15, 2026

SUMMARY

The United States District Court for the Northern District of Georgia addresses TA Operating LLC’s motion for summary judgment in a premises-liability action arising from a plaintiff’s injury allegedly caused by a faulty shower drain cover. The court grants summary judgment on the duplicative failure-to-warn claim and on claims for non-foot injuries because the plaintiff failed to properly disclose expert witnesses and could not establish causation without expert testimony. The court denies summary judgment on the negligence claim, finding factual issues regarding TAO’s constructive or superior knowledge of the hazardous condition.

CASE DETAILS

COURT	United States District Court for the Northern District of Georgia, Atlanta Division
WRITING FOR THE COURT	Thomas W. Thrash, Jr.
JURISDICTION	United States District Court for the Northern District of Georgia, Atlanta Division
DECIDED	June 15, 2026
DOCKET	1:25-CV-2909-TWT
DISPOSITION	other
PROCEDURAL POSTURE	Defendant TA Operating LLC removed the plaintiff's Georgia state-court personal-injury action to federal court and moved for summary judgment after discovery.
STANDARD OF REVIEW	Summary judgment is appropriate when the pleadings, depositions, and affidavits show no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The evidence and reasonable inferences are viewed in the light most favorable to the nonmovant. Under Georgia premises-liability law, summary adjudication is improper where reasonable minds could differ on breach of the duty of care or the invitee's exercise of ordinary care; negligence may be resolved as a matter of law only when the evidence is plain, palpable, and undisputable.

PRECEDENTIAL VALUE	Unknown
PARTIES	Charles Jackson v. TA Operating LLC, et al.

TOPICS

premises liability summary judgment expert testimony negligence civil procedure

PRACTICE AREAS

Premises liability Personal injury Civil procedure Evidence

QUESTIONS PRESENTED

1. Whether TAO was entitled to summary judgment on Jackson's failure-to-warn claim.
2. Whether Jackson presented sufficient evidence of TAO's actual or constructive knowledge of the faulty shower drain and of TAO's superior knowledge to avoid summary judgment on the premises-liability negligence claim.
3. Whether TAO was entitled to partial summary judgment barring claims for non-foot injuries because Jackson failed to disclose expert witnesses as required by Federal Rule of Civil Procedure 26(a)(2).
4. Whether expert testimony was required to establish causation for Jackson's alleged neck and back injuries in light of his prior and subsequent accidents and his failure to report those injuries immediately after the incident.

HOLDINGS

1. TAO was entitled to summary judgment on the failure-to-warn claim because, under the court's analysis, failure to warn was not a separate basis of liability but a means of alleging breach of the duty of care within the premises-liability negligence claim, making the separate count needlessly duplicative.
2. TAO was not entitled to summary judgment on Jackson's negligence claim because the record supported an inference that TAO could have had constructive knowledge of the faulty drain and had superior knowledge of hazards at its premises.
3. Jackson did not adequately disclose his expert witnesses because merely providing medical records and the names and addresses of treating physicians did not satisfy Rule 26(a)(2) or the court's scheduling order.
4. TAO was entitled to partial summary judgment on Jackson's claims for non-foot injuries because expert testimony was required to establish the causal connection between the shower incident and the alleged neck and back injuries, and Jackson had not adequately disclosed expert witnesses.

KEY QUOTATIONS

“The trial court can conclude as a matter of law that the facts do or do not show negligence on the part of the defendant or the plaintiff only where the evidence is plain, palpable and undisputable.” (III.A)

“Where reasonable minds can differ as to the conclusion to be reached with regard to questions of whether an owner/occupier breached the duty of care to invitees and whether an invitee exercised reasonable care for personal safety, summary adjudication is not appropriate.” (III.A)

“Simply providing the names and addresses of all treating physicians along with the Plaintiff’s own testimony as to his treatment does not comply with the federal rules of discovery.” (III.B.1)

“The non-foot injuries are too far removed from the evidence for a jury to conclude that the fall caused the injuries.” (III.B.2)

FACTUAL BACKGROUND

Jackson purchased and used a shower at TAO's Atlanta travel center in 2024. He claimed that, after the water began running, the shower drain cover popped up beneath his feet, cut his left heel, and caused him to fall. TAO trained porters to inspect and clean showers after guest use, including the drains, but the record contained no proof that the inspection policy was carried out on the date of the incident. Jackson reported only a left-foot injury at the hospital and denied head trauma and a fall; he also had significant shoulder and neck injuries from an earlier automobile accident and was involved in a severe automobile accident four months after the shower incident.

PROCEDURAL HISTORY

Jackson filed a state-court action in Gwinnett County alleging negligence and failure to warn arising from an injury in a shower at TA Operating LLC's travel center. TAO removed the action to the Northern District of Georgia. After discovery, TAO moved for summary judgment, seeking judgment on all claims or, alternatively, partial summary judgment concerning the plaintiff's non-foot injuries. The court granted the motion in part and denied it in part.

DISPOSITION

other

CASES CITED

- 398 U.S. 144, 158-59 (1970)
- 992 F.3d 1299, 1317 (11th Cir. 2021)
- 477 U.S. 317, 323-24 (1986)
- 477 U.S. 242, 257 (1986)
- 369 Ga. App. 620, 625-26 (2023)
- 2024 WL 665541, at *6 (S.D. Ga. Feb. 16, 2024)
- 2024 WL 6980683, at *8-9 (N.D. Ga. Apr. 9, 2024)
- 361 Ga. App. 613, 615 (2021)
- 339 Ga. App. 551, 553 (2016)
- 268 Ga. 735, 739-40 (1997)

- 340 Ga. App. 665, 666-67 (2017)
- 358 Ga. App. 632, 638 (2021)
- 289 Ga. App. 889, 891 (2008)
- 392 F.3d 1283, 1294 (11th Cir. 2004)
- 389 F.3d 1339, 1353 (11th Cir. 2004)
- 287 Ga. 622, 626, 628-29 (2010)

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