

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

Tiffiney Jones v. Dick’s Sporting Goods, Inc., et al.

Jones · No. 1:24-cv-619 · Decided April 7, 2026

SUMMARY

The United States District Court for the Northern District of Ohio granted Dick’s Sporting Goods, Inc.’s motion to exclude the testimony of Plaintiff Tiffiney Jones’s proposed expert, Richard L. Zimmerman. The Court concluded that Zimmerman lacked specialized qualifications regarding escalator maintenance and safety, relied on unreliable methods and insufficient data, and offered opinions that would not assist the trier of fact under Federal Rule of Evidence 702.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Charles E. Fleming
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	April 7, 2026
DOCKET	1:24-cv-619
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Dick’s Sporting Goods, Inc. moved to exclude Plaintiff’s disclosed liability expert under Federal Rule of Evidence 702. The district court granted the motion and excluded the expert’s testimony.
STANDARD OF REVIEW	The court applied the Federal Rule of Evidence 702 and Daubert/Kumho Tire gatekeeping standard to determine whether the proposed expert was qualified, whether the opinion was based on sufficient facts and reliable principles and methods, whether those methods were reliably applied, and whether the testimony would assist the trier of fact.
PRECEDENTIAL VALUE	unknown

TOPICS

- expert testimony
- daubert standard
- evidence
- premises liability
- civil procedure

PRACTICE AREAS

evidence premises liability negligence civil procedure

QUESTIONS PRESENTED

1. Whether Richard L. Zimmerman was qualified under Federal Rule of Evidence 702 to offer opinions concerning the safety, maintenance, and structural integrity of a commercial retail escalator.
2. Whether Zimmerman's opinions were based on sufficient facts or data and reliable principles and methods reliably applied to the facts.
3. Whether Zimmerman's proposed testimony would assist the trier of fact.

HOLDINGS

1. Zimmerman was not qualified under Rule 702 to testify about commercial escalator safety, maintenance, or structural integrity because his architectural education and experience did not provide specialized knowledge concerning retail escalator maintenance standards.
2. Zimmerman's opinions did not satisfy Rule 702's reliability requirements because his methodology was untested, lacked site-specific inspection, modeling, or data collection, and relied primarily on speculation and ipse dixit.
3. Zimmerman's testimony would not assist the trier of fact because it merely identified code provisions and connected them to evidence that jurors could review and evaluate using common sense and ordinary reasoning.

KEY QUOTATIONS

"So, without technical or specialized knowledge of the appropriate and relevant standards to maintain escalators, Mr. Zimmerman is unqualified to opine on DSG's adherence to the standard of care to maintain the escalator." (PageID #2351–52)

"The presence of an analytical gap his methodology warrants the conclusion that Mr. Zimmerman's opinion relies primarily on his own ipse dixit." (PageID #2357)

"It is well within the abilities of jurors to review documents, read the relevant Code, and determine DSG's liability, if any." (PageID #2378)

FACTUAL BACKGROUND

Dick's Sporting Goods operated a retail store in Lyndhurst, Ohio, where an escalator stopped working on April 15, 2022. The escalator remained stationary and was not barricaded. Jones and another person began ascending it, and Jones claimed that a sharp metal wire on a step punctured her sandal and sock and injured her toe. A later service inspection found no wire or other protruding metal and determined that a sticking carriage switch caused the escalator to stop.

PROCEDURAL HISTORY

Jones filed negligence and damages claims against Dick's Sporting Goods, Inc. and Schindler Elevator Corporation in Ohio state court. Defendants removed the action based on diversity jurisdiction. The district court later granted summary judgment to Schindler, granted summary judgment to Dick's Sporting Goods on the punitive-damages claim, and denied Jones's motion for partial summary judgment on negligence. Dick's Sporting Goods then moved to exclude Jones's liability expert, Richard L. Zimmerman, and the court granted that motion.

DISPOSITION

other

CASES CITED

- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 580, 589 (1993)
- Kumho Tire Co. v. Carmichael, 526 U.S. 137, 147 (1999)
- Travelers Prop. Cas. Ins. Co. v. R-Tek Insulation, Inc., 673 F. Supp. 3d 879, 884, 886 (N.D. Ohio 2023)
- Elswick v. Nichols, 144 F. Supp. 2d 758, 766 (E.D. Ky. 2001)
- Berry v. City of Detroit, 25 F.3d 1342, 1351 (6th Cir. 1994)
- In re Scrap Metal Antitrust Litigation, 527 F.3d 517, 529–30 (6th Cir. 2008)
- Baker v. Blackhawk Mining, LLC, 141 F.4th 760, 667 (6th Cir. 2025)
- Keyes v. Ocwen Loan Servicing, LLC, 335 F. Supp. 3d 951, 957–58 (E.D. Mich. 2018)
- United States v. Barnes, 295 F.3d 1354, 1362 (D.C. Cir. 2002)
- Raimey v. City of Niles, 676 F. Supp. 3d 547, 560 (N.D. Ohio 2022)
- Jones v. Pramstaller, 874 F. Supp. 2d 713, 720 (W.D. Mich. 2012)
- Grover v. BMW of North America, LLC, No. 1:19-cv-12, 2022 U.S. Dist. LEXIS 12685, at *12–14 (N.D. Ohio Jan. 24, 2022)
- Innovation Ventures, L.L.C. v. Custom Nutrition Laboratories, L.L.C., 520 F. Supp. 3d 872, 879 (E.D. Mich. 2021)