

SUPREME COURT OF ALABAMA

Whaley v. Lawing

352 So. 2d 1090 (Ala. 1977) · No. SC 2157 · Decided September 23, 1977

SUMMARY

The Alabama Supreme Court affirmed a directed verdict for homeowners in a premises-liability action arising from the collapse of a redwood sundeck that injured a social guest. The court held that the evidence did not support a reasonable inference that the homeowners knew of the deck's dangerous condition and acted wantonly, and it upheld exclusion of prior pleadings against the contractor because no inconsistency concerning the sundeck was shown.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Almon; Torbert, C. J.; Bloodworth; Maddox; Embry
JURISDICTION	Alabama
DECIDED	September 23, 1977
DOCKET	SC 2157
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed after the trial court directed a verdict for the defendants in a premises-injury action alleging wanton negligence.
STANDARD OF REVIEW	For a directed verdict, the evidence is viewed in the light most favorable to the plaintiff; if a legitimate inference furnishes a scintilla of evidence supporting the plaintiff's theory, the issue must be submitted to the jury. Evidentiary rulings are reviewed for error.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion; precedential.
PARTIES	Robert B. Whaley v. Lloyd Lawing, Mary Lawing

TOPICS

- premises liability
- personal injury
- negligence
- evidence
- construction law

PRACTICE AREAS

- premises liability
- negligence
- evidence
- personal injury
- construction law

QUESTIONS PRESENTED

1. Whether Alabama should abolish the traditional trespasser, licensee, and invitee classifications in premises-liability cases.
2. Whether the trial court erred by excluding the defendants' prior complaint against the contractor as evidence of their knowledge of the sundeck's defective condition.
3. Whether the evidence presented a scintilla supporting the plaintiff's claim that the defendants acted wantonly by allowing him to use a sundeck they knew was unstable and dangerous.

HOLDINGS

1. The traditional classifications of trespasser, licensee, and invitee remain viable under Alabama law.
2. The trial court did not err in excluding the prior complaint because the plaintiff could not provide evidence linking that complaint to the sundeck and therefore could not show an inconsistency with the defendants' position that they lacked knowledge of a defective sundeck.
3. The directed verdict for the defendants was proper because the evidence did not support a reasonable inference that the defendants knew the sundeck was defectively and dangerously constructed or that its condition was likely to cause collapse.

KEY QUOTATIONS

“The most crucial element of wantonness is knowledge, and that element need not be shown by direct evidence; rather, it may be made to appear by showing circumstances from which the fact of knowledge is a legitimate inference.” (1092)

“With respect to a directed verdict, if a legitimate inference furnishes a scintilla of evidence in support of the theory of the complaint, then the question must go to the jury.” (1092)

FACTUAL BACKGROUND

The defendants purchased a newly constructed home in 1972 with an elevated redwood sundeck that was extensively and uneventfully used for approximately a year and a half, including by groups of up to 16 people. The plaintiff and his wife had noticed a slight bounce and vibration but did not tell the defendants, and the defendants testified that they had not noticed anything wrong with the deck or received safety complaints. The plaintiff, a social guest, voluntarily went onto the deck with his wife and child when it collapsed, injuring his back.

PROCEDURAL HISTORY

Whaley sued Lloyd and Mary Lawing for injuries sustained when a redwood sundeck at their home collapsed. After presentation of the plaintiff's case, the trial court directed a verdict for the defendants, excluded a prior complaint filed by the defendants against the home's contractor, and entered judgment for the defendants. The Alabama Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- McMullan v. Butler, 346 So. 2d 950 (Ala. 1977)
- Redwing Carriers, Inc. v. Stone, 293 Ala. 726, 310 So. 2d 206 (1975)
- Cole v. Louisville & Nashville R.R., 267 Ala. 196, 100 So. 2d 684 (1957)
- Spurlin v. General Motors Corp., 531 F.2d 279 (5th Cir. 1976)
- Griffin Lumber Co. v. Harper, 241 Ala. 616, 25 So. 2d 505
- Taylor v. Thompson, 271 Ala. 18, 122 So. 2d 277
- Johnson v. Sexton, 277 Ala. 627, 173 So. 2d 790
- Lewis v. Zell, 279 Ala. 33, 181 So. 2d 101
- Thompson v. White, 274 Ala. 413, 149 So. 2d 797 (1963)
- Crocker v. Lee, 261 Ala. 439, 74 So. 2d 429 (1954)
- Kilcrease v. Harris, 288 Ala. 245, 259 So. 2d 797 (1972)
- Blount Brothers Construction Co. v. Rose, 274 Ala. 429, 149 So. 2d 821 (1962)