

SUMMARY STATEMENT

Brooks v. Wal-Mart Stores, Inc., Docket No. 44634

In an appeal arising out of Ada County, the Supreme Court vacated the district court's judgment dismissing Diane Brooks' ("Brooks") negligence claims against Wal-Mart Stores, Inc. ("Wal-Mart). On July 24, 2013, Brooks slipped and fell in a puddle of water inside the Wal-Mart store on Overland Road. On November 19, 2014, Brooks filed a claim alleging Wal-Mart was negligent for failing to monitor Rug Doctor's self-serve kiosk, that Wal-Mart was liable for the products and services it offered its customers, and that Wal-Mart failed to keep the store in a reasonably safe condition. The district court dismissed these claims finding there was no genuine issue of material fact. The Court held in a 4-1 decision that genuine issues of material fact exist whether or not Wal-Mart should have known of the existence of a dangerous condition by choosing a self-service operating method which required no employee involvement by Wal-Mart. Additionally, the Court held the presence of two Wal-Mart employees in the area at the time of Brooks' fall creates a legitimate question of fact concerning Wal-Mart's failure to notice the hazard. Accordingly, the Court remanded the case for further proceedings.