

**District of Columbia**

Supervisor (Citation)

**Property Owner Seeks Relief from Mechanic's Lien**

**Case Caption:**

E. Sawyer v. M. Wells

**Settlement:** For plaintiff (mechanic's lien was lifted) plus attorney fees.

**Judge:** Michael L. Rankin

**Settlement Date:** 1/7/2003

**Attorneys:**

**Plaintiff:** Carol S. Blumenthal, Washington DC

**Defendant:** Darryl F. White, Washington DC

**Facts:** A property owner sought the lifting of defendant's mechanic's lien from her property following completed renovations. Defendant subcontractor sought payment for his services. The case settled with the lifting of the mechanic's lien and attorney fees for plaintiff.

Plaintiff Sawyer owned property and hired a contractor to do substantial renovations. The contractor subcontracted some of the work to Defendant Wells. Plaintiff paid the contractor in full after the renovation work was completed. Defendant alleged that he was not paid and filed a mechanic's lien against plaintiff's property, but did not notify plaintiff.

Sawyer attempted to refinance her property and was unable to do so as a result of defendant's mechanic's lien. Plaintiff filed suit to lift the mechanic's lien and sought attorney fees to cover her costs as she claimed defendant may have had a claim against the contractor (who was initially a third party defendant) if defendant was not paid, but that she paid for the renovation work in full. Plaintiff alleged that the lien was inappropriate, untimely and that defendant failed to comply with other provisions of the act, such as looking to the general contractor for relief.

Defendant contended that the contractor was plaintiff's agent and therefore, plaintiff had a duty to pay defendant as she benefited from his services.

**Plaintiff Profile:** Plaintiff was a female property owner.

**Alleged Injury:** Plaintiff sought lifting of a mechanic's lien from her property and attorney fees.

**Case Number:** 02CA-001264

**District of Columbia**

Supervisor (Citation)

**Tenant Suffers Permanent Knee Injury in Fall on Icy Steps**

**Case Caption:**

Louise Marbury v. Ross & Ross Friendship House, Inc.

**Verdict:** Defense verdict

**Judge:** Mary A. Gooden Terrell

**Date of Verdict:** 5/15/2003

**Attorneys:**

**Plaintiff:** Keith W. Waters, Washington DC

**Defendant:** Joseph F. Cunningham, Arlington  
Geoffrey M. Bohn, Arlington

**Facts:** A defense verdict was reached by a District of Columbia jury in the case of a tenant who claimed to have fallen on icy steps in front of her apartment.

Plaintiff Louise Marbury was a tenant at an apartment building owned by Defendant Ross & Ross Friendship House. On February 7, 2000, plaintiff fell on the steps in front of her apartment unit.

Plaintiff alleged that she slipped and fell on an accumulation of ice which had been on the steps for three days prior to the fall. Plaintiff further alleged that defendant was aware of the problem, but failed to correct it, and that all of the other stairways and steps to the adjacent units had been cleared of ice.

Defendant contended that all ice had either melted or been removed, but that, if the steps were in fact icy, plaintiff was on notice of the problem.

**Plaintiff Profile:** Plaintiff was a divorced black female in her 50's who worked as a secretary.

**Alleged Injury:** Tear of the quadriceps tendon of the superior aspect of the right patella requiring surgical repair and limiting

Defendant denied negligence and contended that plaintiff fell while running to catch the bus. Moreover, defendant claimed that plaintiff's complaints about pain in his ribs did not come until much later and any alleged fractures were not causally related to this incident.

**Plaintiff Profile:** Plaintiff was a 79 year old married male who worked for the FBI.

**Alleged Injury:** Soft tissue neck, back and hip injuries and rib fractures. Plaintiff claimed \$2,500 in medical expenses and \$5,571 in lost wages.

**Jury Deliberations:** 1 hour

**Settlement Efforts:** Last Demand: \$50,000  
Last Offer: None

**Insurance Carrier:** Self-insured

**Expert(s):**

**Plaintiff:** Tsai C. Chao, M.D.  
Physiatrist – New York, NY

**Defendant:** Herbert E. Lane, Jr., M.D.  
Orthopedist – Falls Church, VA

**Case Number:** 02-117

**Editor's Notes:** Per defense counsel, plaintiff was not believable and his trial testimony was very inconsistent with prior testimony. Case is closed.

## Arlington County, VA

Chao C. Chao

## Attorney Fractures Leg in Fall on Restaurant's Dance Floor

**Case Caption:**

Alix L. Mattingly, Esq. v. Celtic Group, Inc.

**Verdict:** Defense verdict

**Judge:** William T. Newman Jr.

**Date of Verdict:** 5/6/2003

**Attorneys:**

**Plaintiff:** Milton C. Johns, Manassas

**Defendant:** Joseph F. Cunningham, Arlington  
Geoffrey M. Bohn, Arlington

**Facts:** A lack of notice was cited as the reason an Arlington County jury returned a defense verdict for a restaurant in a premises liability case.

Plaintiff Alix Mattingly was a 30 year old attorney. She and three friends were at Defendant Celtic Group's restaurant celebrating plaintiff's engagement and new job. Plaintiff was dancing on the dance floor when she slipped and fell on some liquid, resulting in a leg fracture.

Plaintiff alleged that a beer bottle had been broken on the dance floor and that, although defendant's employee subsequently removed the broken bottle, the employee failed to clean up the liquid.

Defendant contended that it had no notice of any liquid on the dance floor.

**Plaintiff Profile:** Plaintiff, an attorney, was a 30 year old white female.

**Alleged Injury:** Mid-shaft fracture of lower left leg requiring two surgeries. Plaintiff claimed \$20,000 in medical expenses and \$5,000 in lost wages.

**Jury Deliberations:** 1 hour

**Settlement Efforts:** Last Demand: \$35,000  
Last Offer: \$5,000

**Insurance Carrier:** Self-insured

**Case Number:** 02654

**Editor's Notes:** Defense counsel reported that the lack of notice had an impact on the outcome.