

SAMPLE 15 MINUTE FOCUS GROUPS

Case Summary:

- Lift elevator at self-store facility was 12 yrs. old and had a door which was warped
- The lift was stuck because of doors and would not come down
- A lady tried to push the lift with her hands, but it didn't work so she then pushed with her feet
- The lift fell, crushing her feet
- She suffered a near amputation, 40% whole body impairment, \$250K in medical bills and 10 surgeries

Recommendations:

The lady did not ask for help from the employee on duty. She "kicked" or pushed the door with her feet and should have known that this was a dangerous activity. The lady was blamed heavily by the jurors because she knew the lift was faulty beforehand and they blamed her for kicking the door. (The blame averaged out to 54% for the lady and only 46% for the storage facility.) Stress that she did not "kick" the doors, but nudged or tapped them with her feet. What kind of shoes was she wearing? The doors had been warped for over 2 years and the facility had ample time to correct the problem. Who's more at fault here? You'll need maintenance records. If there is a void or a lack of maintenance records, this will show blatant negligence on the facility's behalf. Why was this problem not fixed? Was the facility careless or were they satisfied with less than average performance from the lift?

Voir dire is critical. Even though the state did not require a maintenance inspection, why did the company not take it upon themselves to inspect it-especially given the problems with the warped doors and the lift getting stuck? Stress the design as "home-grown" or a backyard/driveway invention. This "driveway project" should never have been built the way it was and it should never have impacted the life of their customer the way that it has.