

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

DEBRA K. GIBBS,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	1:15cv645-MHT
)	(WO)
WILSON, LLC,)	
)	
Defendant.)	

OPINION AND ORDER

Plaintiff Debra K. Gibbs in this slip-and-fall case has only one remaining claim against defendant Wilson, LLC, with two separate theories: (1) negligent inspection and (2) negligent inadequate lighting. The magistrate judge has recommended granting summary judgment in favor of Wilson, LLC on the first theory and denying summary judgment on the second theory. After an independent and de novo review of the record and after oral argument, the court concludes that summary judgment should be denied on both theories and that both theories of the negligence claim should go to trial.

Accordingly, it is ORDERED as follows:

(1) Plaintiff Debra K. Gibbs' objection (doc. no. 60) is sustained, and defendant Wilson, LLC's objection (doc. no. 61) is overruled.

(2) The magistrate judge's recommendation (doc. no. 50) is adopted as to the negligent-inadequate-lighting theory and rejected as to the negligent-inspection theory.

(3) Defendant Wilson, LLC's motion for summary judgment (doc. no. 33) is denied.

(4) The remaining negligence claim will go to trial.

An opinion will follow later.

DONE, this the 5th day of May, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE