

Summary judgment granted in premises case. Res ipsa loquitur inapplicable where mode of claimed injury required expert support.

24 Mar 2022

[Crystal S. Deese](#),

Edward Sedlacek & Crystal Deese obtained summary judgment for their hospital client against a Plaintiff suing for premises liability and *res ipsa loquitur*. Plaintiff claimed to have received an electrical shock forceful enough to fracture two different bones. None of the medical experts agreed that electricity caused these twisting type fractures. The court rejected Plaintiff's argument that a lay jury could find causation without expert assistance. Further, *res ipsa* is an extraordinary theory that does not shift the burden of proof to the defense. Neither does *res ipsa* apply to cases where expert witness testimony is needed to reach the inferences necessary to sustain a verdict. Plaintiff's lack of supportive expert testimony proved fatal to her case.

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TAGGED: Premises Liability, Health Care, litigation, res ipsa loquitur