

OACTA Significant Case Victory Summary
***Williams v. Alvarez*, 2017 Ohio 8208 (6th Dist.)**
November 1, 2017

Adam E. Carr and Eric K. Grinnell secured summary judgment for a homeowner, which was unanimously affirmed on appeal, in the defense of a claim by a social guest who suffered a broken leg when the porch swing came loose.

In *Williams v. Alvarez*, 6th Dist. Williams No. WM-17-001, 2017-Ohio-8208, the plaintiff suffered a broken leg after a swing fell on the plaintiff's leg. The swing was attached to the roof of the defendants/homeowners' porch by a chain. The chain did not snap, but just slid out, causing the swing to fall on the plaintiff's leg. The swing was installed by the defendants/homeowners approximately 25 years before the incident, and was periodically maintained. The defendants did not have any knowledge, or suspicion, that the bolts holding the chains were in any danger of coming loose. Furthermore, the plaintiff had used the swing many times before this incident, but had never had a problem with the swing. At the trial court level, Adam and Eric successfully moved for summary judgment, arguing that the plaintiff was a social guest, the defendants did not have any knowledge of any latent defect in the swing, and the risk that the swing could fall was an open and obvious danger. The plaintiff appealed to the Sixth Appellate District. The Sixth District unanimously affirmed the trial court's award of summary judgment, holding that the defendants did not breach their duty to plaintiff as to the latent swing defect.



[Adam E. Carr Biography](#)



[Eric K. Grinnell](#)

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