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Golf course slip and fall nets \$1.4M settlement

■ BY BILL CRESENZO

bcresenzo@sclawyersweekly.com

A 70-year-old man who went out to hit the links at a Myrtle Beach golf course has reached a \$1.4 million settlement after the links hit him back, his attorneys report.

Douglas Jennings of Yarborough & Applegate in Charleston and Gerald Harmon of Harmon & Felts in Georgetown report that Jack Kell was golfing at Legends Golf Resort's Parkland course in August 2015. Sand traps were apparently not the only hazard that day, as Kell slipped and fell on a wooden bridge that was covered in algae.

"His feet went right out from under him," Harmon said.

Kell landed on his hip, and an MRI showed a partial tear in his left hamstring and bulging disc in his lumbar spine. He underwent two surgeries over the ensuing years, a laminectomy and an advanced multi-level fusion with bone grafts and an external bone growth stimulator.

Kell sued, contending that the course failed to properly maintain the bridge and that he wasn't the first golfer who fell while crossing it. Jennings said that the course was aware of at least nine prior falls on the bridge. In January 2012, his firm represented a retired firefighter also fell and blew out his knee.

That case ultimately resulted in a \$400,000 settlement after a trial had gotten underway.



Jennings



Harmon

"Another devastating injury resulting from the algae-covered wooden bridge—and another lawsuit—could have been prevented if the course made any changes after the trial in 2012," Jennings said. "[Kell] is a hard-working family man. Although he's happy with the result, he would certainly prefer the injury not have occurred. This injury could have been prevented."

Jennings said that the Parkland Course is one of five courses owned by the Legends Group. The course changed ownership and insurance carriers between the 2012 trial and the Kell matter.

Thomas Wills of Wills, Massalon & Allen in Charleston mediated the settlement, which was agreed to Oct. 4.

James Saleeby of Aiken Bridges in Florence represented the golf course.

Saleeby said that Jennings and Harmon, "were a pleasure to work with, represented (their) clients well, and I am glad we were able to negotiate and resolve this case to the mutual satisfaction of all the parties."

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SETTLEMENT REPORT – SLIP AND FALL

Amount: \$1.4 million

Injuries alleged: Partial tear in left hamstring and disc bulging in lumbar spine

Case name: *Kell v. Legends SCNC Holdings LLC, CGPM Course Managers, LLC, and Century Golf Partners Management LP*

Court: Horry County Superior Court

Case No.: 2016-CP-26-8198

Mediator: Thomas Wills of Wills, Massalon & Allen in Charleston

Date of settlement: Oct. 4

Attorneys for plaintiff: Douglas Jennings of Yarborough & Applegate in Charleston and Gerald Harmon of Harmon & Felts in Georgetown

Attorney for defendant: James Saleeby of Aiken Bridges in Florence