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## Walmart and others sued after female worker is crushed to death by pallets

By Jeff M. Hardison © June 21, 2018 at 10:08 a.m.

**CHIEFLAND** -- Court documents submitted over a period of time, including the May 4, 2017, order by Eighth Judicial Circuit Court Judge David P. Kreider, appointing Carrie Jeanette Ward as the personal representative of the estate of the late Sandra Jeannette Quincey, reflect that attorney Michael D. Sechrest of the law firm of Warner, Sechrest & Butts, believes Wal-Mart Stores East, LP doing business as Walmart, a foreign limited partnership, and other defendants, should pay the estate more than \$15,000 as a result of the circumstances leading to the death of Quincey.

In the civil action submitted May 27 of this year in the circuit court of Levy County (part of the Eighth Judicial Circuit), attorney Sechrest notes that his client -- Ward, as the personal representative of the late Quincey's estate, is suing defendants Wal-Mart Stores East, LP; Judy Holub, individually; Nicholas Jones, individually; Andrew Doe, an unknown individual; and Raciél Moreira, individually.

On or about Feb. 22, 2017, Quincey died while having no surviving spouse, Sechrest noted in the suit. Quincey is survived by two adult children, Ward and Leslie Neil Braswell, Sechrest noted.

(To read the *HardisonInk.com* story from Feb. 23, 2017, click [HERE](#). Please remember, there are archives for previously published stories.)

This is an action seeking compensation from what the plaintiff is alleging to be the wrongful death of Quincey. In the first count of the six-count suit, attorney Sechrest is alleging on behalf of Ward that "WALMART owed a duty to its employees, including Sandra Jeannette Quincey, to maintain a reasonable safe work environment."

The attorney for the plaintiff notes further that prior to this fatal accident Walmart had been the subject of repeated complaints to the United States Department of Labor's Occupational Safety and Health Administration (OSHA) in regard to unsafe work conditions.

One of these conditions that Sechrest notes for consideration by a jury in regard to this lawsuit is "... specifically, stacking merchandise boxes and/or pallets too high or otherwise improperly and unsafely stacking such materials, at Store 1297 and/or other Walmart store locations."

Hence Walmart "... knew or had reason to know, due to explicit warnings specifically identifying a known danger, that its practices were virtually certain to result in injury or death to its employees, including Sandra Jeannette Quincey," Sechrest notes as part of the 18-page lawsuit.

The estate of Quincey, with Ward being appointed as the personal representative and with attorney Sechrest being noted as the attorney in this regard, seeks from Walmart and the other defendants (respondents) to the suit, the damages set forth in the Florida Wrongful Death Act.

Those damages include loss of earnings by the deceased, loss of prospective net accumulations of the decedent's estate, and medical and funeral expenses that became a charge against the estate or which were paid by or on behalf of the decedent, according to what is noted in the suit.

Ward and Braswell are noted as having or will suffer the damages resultant from this fatal accident.

The suit notes the plaintiff seeks a jury trial.

The suit noted in other counts of this action that Holub, Jones, Doe and Moreira are being

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sued individually as managers at this Walmart store at the time of the accident. “Doe” is not the real name of the as-yet unknown male manager being sued.

The suit alleges in each of those counts that those male and female managers knew or had reason to know about the relevant OSHA safety standards but did not make changes to offset the danger to employees.

In the sixth Count of the suit, the attorney for the plaintiff notes the contention of the plaintiff that Walmart is vicariously responsible for the acts and/or omissions of its agents, employees and or representatives occurring within the course and scope of their agency or employment.

The corporate office of Walmart has been contacted by HardisonInk.com via email and by telephone for a response in regard to this lawsuit being filed.

Just as no suspected criminal is guilty unless they are found to be guilty in a case like that, so too, no defendant (or respondent) to a claim against a person or entity can be presumed to be guilty.

In other words, Walmart and the named managers are innocent of these allegations unless they are found to be guilty via a jury trial.

There is a slight difference between criminal and civil cases, nonetheless.

The state is required to prove beyond reasonable doubt that a person suspected of a crime is guilty.

In a civil action, the plaintiff is required to present the weight of the evidence to be greater than the defense’s response to the level -- that is “a preponderance of the evidence.”

This means in civil cases, that the plaintiff’s argument must be only slightly more convincing than the defendant’s response to those allegations. If the court (jury) decides there is a preponderance of the evidence in favor of the plaintiff, then the plaintiff has met the burden of proof.

If the plaintiff wins, then there is the finer point of the actual value or costs to be awarded. In this case, if it is applicable, this will include the cost of the attorney fees for the plaintiff. The notation in this case that the suit is for more than \$15,000 puts the case in the Eighth Judicial Circuit court rather than in Levy County court.

In regard to the part of the suit where Walmart is noted to be a “foreign limited partnership,” that just means a limited partnership was formed under the laws of any jurisdiction other than the state Florida, and the corporation has as partners one or more general partners and one or more limited partners.