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John O'Brien (/author/john-o-brien) Mar. 13, 2013, 12:25pm

HUNTINGTON – Target has settled a personal injury lawsuit originally brought in Cabell County Circuit Court.

In a complaint filed June 20, Henry E. Prout, of Huntington, sued Target over an alleged fall two years earlier. Prout claimed he fell on soda that was on the floor of the Barboursville Target.

Prout was represented by J. Patrick L. Stephens and Mark F. Underwood of Underwood Law Offices. He also sued any John Does responsible for the alleged spill.

“The defendants’ failure to properly maintain and inspect the interior aisles of the store caused the plaintiff to slip and fall on the spilled soda,” the complaint says.

“As a result of the defendants’ failure and negligence, the plaintiff sustained multiple injuries, including a severe injury to his left shoulder, requiring surgery, as a direct result of slipping on the soda and falling.”



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Target removed the case to federal court in July, arguing the amount in controversy exceeded \$75,000 – a threshold that allows lawsuits to be removed to federal court.

“The inclusion of a claim for punitive damages alone is typically sufficient for the amount in controversy to be met,” the removal notice says.

Settlement terms were not disclosed. An order dismissing the case was entered Feb. 28 by U.S. District Judge Robert Chambers.

From the West Virginia Record: Reach John O'Brien at jobrienwv@gmail.com.

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