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JURY AWARDS \$8 MILLION FOR BOY'S INJURIES IN FALL

Author: CHANDA TEMPLE News staff writer

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KACE LIGHTSEY

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A Jefferson County jury has awarded \$8 million to a Bibb County mother whose son suffered brain damage and other severe injuries after he fell 12 feet through a floor at a Homewood indoor softball pitching facility in 2001.

Plaintiff lawyers argued that the construction company that made improvements at the Snow Drive warehouse turned pitching facility failed to get a building permit and therefore left unsafe railings at the building's viewing platform for spectators. A 5-year-old, Kace Lightsey, was on the platform with others when he chased a stray tennis ball under the wide-open railing and fell through a floor, which appeared to be solid but was made of acoustical tiles.

Kace fell 12 feet and hit his head on a commode. He was left with a "catastrophic brain injury," paralysis on the left side of his body, and suffered a stroke, seizures and other injuries, said plaintiff lawyers Gusty Yearout and Trey Traylor.

The attorneys said had the railings been up to code the accident could have been prevented. Kace, now 8, was at the facility with his mother as his sister received a pitching lesson.

Kace's mother, Shiann Lightsey, filed a negligence suit in 2002, blaming the Alabama Academy of Fast-Pitch Softball Inc., Parker Building Services Co. and Equity Investments. The softball company and Equity Investments settled out of court last fall. Parker Building didn't.

The trial against Parker Building was last week.

Jurors awarded Lightsey \$8 million in compensatory damages, crediting \$6.4 million to a settlement that was reached with the now-defunct softball company and Equity Investments. The net judgment of \$1.6 million was against Parker.

Parker attorney Larry Bradford said there will be an appeal, adding that this was a very tough case to defend.

"The first time that we tried it last fall, (there) was a hung jury with 11 jurors in favor of Parker Building," Bradford said. "This time the plaintiff's attorneys did a very good job of changing their trial strategy to make it an issue over the failure to obtain a building permit. I thought the judge, Helen Shores Lee, was very fair to both sides."

Bradford said they admitted that there was no building permit and that the railings did not meet building code, but they denied that Parker Building undertook the duty to obtain railings for the project.

Traylor, who also tried the case with Jason Yearout, said the law says the company had to get a permit.

"It didn't matter that they didn't contract to put the rails up," Traylor said. "If they had gotten a permit, the job would have been inspected and the job would have been rejected. That's what the building inspector said from Homewood."

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