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Cobb judge rules Home Depot must release safety records

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Ruling follows injury lawsuit against Cobb-based chain

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MARIETTA — A Cobb County court has ruled that hardware giant Home Depot must release records of certain in-store injuries nationwide for the past five years.

The ruling stems from a civil suit from a 63-year-old Marietta woman who said her life has been forever altered because of injuries sustained in a 1999 accident in the east Cobb Home Depot, which is located on Roswell Street near Johnson Ferry Road.

According to Rachel Elliott, a heavy steel cart with three large carpet rollers fell on top of her when it was hit by a rotating carpet carousel positioned too closely, causing back and leg injuries.



Staff photo by Jim Bolt

Anthony Elliott, left, goes over legal papers with his parents, Rachel and George Elliott. Ms. Elliott is suing Home Depot for injuries sustained in an accident at the store.

While attorneys have not been allowed to review the equipment, Ms. Elliott said her son, who works in construction, estimated the cart could weigh as much as 700 pounds.

Home Depot spokesman Jerry Shields would not comment on the case or company policy because of the pending

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litigation. Home Depot's corporate headquarters are located in the Cobb Galleria area.

In 2001, Ms. Elliott underwent back surgery to repair disk problems caused by the accident. She said pain has become a permanent part of her life.

"I feel like a caged animal," she said. "I don't get to go anywhere."

Ms. Elliott's attorneys, ~~Jim~~ Flournoy and Rob Rickman, both of Marietta, are seeking damages for their client in excess of \$20,000. Flournoy said Ms. Elliott's medical bills are nearing \$50,000.

Flournoy, who frequently goes up against big corporations in injury claims, said it's rare for companies like Home Depot to be required to release accident reports. Flournoy said it's important to know how dangerous warehouse stores can be.

"Home Depot is one of the most dangerous places to shop," he said. "We had to sue because Home Depot wouldn't do the right thing."

The decision, handed down by Judge David Darden on June 25, requires Home Depot to release all injury incidents related to carpet, carpet carousels and carpet carts from all of its more than 1,500 stores within 30 days. The company may also appeal the decision.

As of Thursday, Flournoy said he hadn't received anything from Home Depot.

Flournoy originally requested all carpet-related reports for the past decade, while Home Depot wanted only to release reports from Georgia stores since 2000.

In a discovery hearing, Darden said all states should be included because the same type of equipment is used nationwide.

"I don't know that I really buy that because if you had the same carpet equipment in California that you did in Georgia, you know gravity works the same, bones break the same, so just the argument that because it happened in another state, it is not relevant; I don't buy that," Darden said during the hearing.

Flournoy also said the corporation wanted him to sign a confidentiality agreement, which would prevent attorneys from sharing information with anyone not connected to the case.

Darden ruled the reports were not confidential.

"I feel strongly that this is a public proceeding," Flournoy said. "I feel Home Depot should reveal the data they collected."

Transcripts from the May 13 discovery hearing revealed that Home Depot does maintain a list of nationwide injury reports at its corporate headquarters but does not disseminate the information to each store.

In February, the Atlanta Business Chronicle reported that three customers and five workers have been killed in Home Depot store accidents since 1999.

Flournoy said Home Depot takes no responsibility and even implied that Ms. Elliott was at fault.

"They're blaming her," he said.

Flournoy said the employee who helped Ms. Elliott had only been working there for a couple of weeks and was not trained to move rolls of carpet.

After the fall, Ms. Elliott

said, store personnel put her in a broken wheelchair and rolled her out of customer view into a small storage room in the back of the store. They did not call an ambulance but instead took her to a WellStar doctor's office on Johnson Ferry Road in an employee's Honda Civic with no air conditioning, Ms. Elliott said. She

said she wasn't even allowed to call her family.

"They treated me so callous and cold," she said. "They have devastated me. They have devastated my family."

Ms. Elliott said the doctor immediately ordered her to the hospital.

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