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SHOPPER HURT AT WARD'S AWARDED

Grace Hobson, The Wichita Eagle

A Wichita woman was awarded almost \$1.3 million Thursday in Sedgwick County District Court to teach Montgomery Ward a lesson: Improve safety or risk injuring more customers.

After a 45-minute speech about the retail company's safety problems, District Judge Robert Bell ordered Montgomery Ward to pay the woman, Pamela Higginbotham, \$958,531.47 in punitive damages. That's on top of \$300,000 a jury awarded in August to compensate for injuries she suffered when a glass shelf display fell on her ankle.

"I'm in shock," said Higginbotham, who plans to use part of the money to buy a new car.

Higginbotham will also use the money to pay the doctors' bills that continue to pile up, she said. She has had two operations and may have another to treat the tarsal tunnel syndrome she developed in the accident.

She was shopping at the Montgomery Ward on Harry in 1991 when she brushed a glass shelf display in the infants department. The display wasn't properly secured, and it fell, said her lawyer, **Larry Wall**. A shelf landed on her ankle. The company will appeal the jury's verdict and the judge's ruling.

"We pride ourselves on the care we take to ensure that the environment in which our customers shop is safe," said company spokeswoman Sarina Butler. "We're not going to say accidents don't happen, but as an ongoing management activity, we do a very thorough job and a conscientious job of assuring our stores are as safe as they can be. We simply disagree with the decision reached by the jury and by the judge."

Although no company can avoid all accidents, Bell told the company's lawyers, Montgomery Ward has several problems with ensuring accountability.

"The defendant should be aware that this is not the most serious incident that could happen,"

Bell warned.

He cited several reasons he awarded the damages to punish the company. Among them:

Shortly before Higginbotham's accident, the store reduced its staff in charge of building and maintaining display shelves from three workers to one. In doing so, the company underwent a subtle shift in responsibility: Sales associates were expected to become more proactive in securing shelf displays, he said.

But the new responsibilities were not carefully outlined to the staff. And no one was held accountable for safety.

"There is a distinct paucity of instruction and training of people who have the initial responsibility for store safety: sales associates," Bell said.

The corporation's safety director was not given complete safety reports, important to determine what actions were needed to ensure store safety. Also, employees were not properly reprimanded by corporation executives or store managers when accidents occurred.

Managers knew the store had safety problems but didn't do enough to solve them.