

# Missouri Lawyers

www.molawyersmedia.com

## WEEKLY

## Complex settles case on guest's injured eye

*Man struck by firework while awaiting girlfriend*



Craig Schlappizzi

**BY ASHLEY MASTANDREA**  
*Special to Missouri Lawyers Weekly*

A man who lost sight in his left eye after he was struck by a bottle rocket reached a \$185,000 settlement with the owner of the commercial business complex where he was injured.

Jeremy Cole, then 19, had parked his vehicle in the lot to visit his girlfriend, a tenant of the building, on July 1, 2006, said his attorney, Craig Schlappizzi.

Schlappizzi, of Schlappizzi Attorneys at Law, explained that before Cole's arrival, some apartment residents and others were drinking alcohol and shooting off fireworks. The activity continued as Cole waited for his girlfriend in the parking lot, with the driver's door open.

That's when, Schlappizzi said, someone ignited a bottle

rocket, which struck Cole in his left eye. Cole immediately sought emergency care, and later follow-up care, but the sight in his eye couldn't be restored. The permanent loss of vision in his left eye also impacts the visual field of his uninjured eye, his lawyer said.

Schlappizzi said the corporate owner, Viola Mae Kohenskey, testified that she was in her own apartment on the property on the day of the event but was unaware of the fireworks activity because she was asleep. Schlappizzi said some fireworks shot off that day were purchased from a stand the defendant leased to the stand operator on the complex property. She testified in her deposition that had she known about the activity that day, she would have stopped it because she knew it was dangerous.

The identity of the person who fired the bottle rocket was never determined, and no one called police in the incident, Schlappizzi said.

The plaintiff made his case based on landlord-tenant law. A landlord owes the tenant, and guests of a tenant, a duty to keep common areas in a reasonably safe condition, he explained.

The case settled in mediation on Nov. 9, a week before the scheduled trial date.

The complex owner's lawyer, Gerald Sims Jr., of the Law Offices of Rouse & Cary, could not be reached for comment by press time.

Schlappizzi explained that while medical bills were minimal, damages were measured based on the young age at which Cole lost sight in his left eye and the permanence of the injury.

### ■ \$185,000 Settlement

#### PREMISE LIABILITY

- **Court:** Lincoln County Circuit Court
- **Case Number/Date:** 10L6-CC00005/Nov. 9, 2011
- **Judges:** Dan Dildine
- **Plaintiffs' Experts:** Dr. Joan Pernoud, St. Louis (ophthalmology)
- **Caption:** Jeremy Cole v. Harding Investment Co. and Viola Mae Kohenskey
- **Plaintiffs' Attorneys:** Craig A. Schlappizzi, Schlappizzi Attorneys at Law,
- **Defendants' Attorney:** Gerald Sims Jr., Law Offices of Rouse & Cary, St. Louis