

# Briefing a case

Law



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Oglesbee v Pfeil Funeral Homes Inc Number Oglesbee v Pfeil Funeral Homes Inc Facts This case involves an appellant who suffered injuries within the defendant's premises as she was leaving at the end of a business session. The claimant was in company of an employee of the defendant who was carrying an umbrella with which they protected themselves from the rain. The claimant was walking ahead of the agent, thus her sight was not blocked by the agent from seeing her steps. She claimed that her injury from the fall was the result of a slip from an eight-inch kerb in the sidewalk for the guests.

### Procedure

The case of Oglesbee v Pfeil Funeral Homes Inc. was an appeal against the decision of Erie County Court of Common Pleas. The lower court had denied the claimant negligence claims by from Pfeil Funeral Homes for the injury she sustained within the latter's premises.

### Issues

The primary issues set for determination by the court of appeal were whether: a) the escort of the claimant by an agent of the defendant and his failure to warn her over the sharp drop on the public sidewalk was a matter of fact or law, and b) the junior court overlooked the facts about the case regarding the failure of the defendant to put a notice warning the guests of the risks of the eight-inch step down in the sidewalk.

### Holding

The Appellate court held that the issues of case were merely factual and not legal. As such the court affirmed the earlier ruling of the trial court, saying the claimant was not entitled to any negligence claims from the defendant.

### Reasoning

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The court began by legitimizing the summary judgment of the lower court which it said was valid because: a) the issues in question did not meet the thresholds of material fact; b) the issues in question lacked the required basis in law to facilitate a fair, legal and reasonable verdict of the court and c) it would be unreasonable to impose any claims upon the defendant for the injury sustained at their premises because by doing so, the claimant would have gained more than she deserved while the defendant would have been unfairly disadvantaged by such a ruling.

In addition, the court said the claimant would have been entitled to negligence claims if the statement of facts were supported by law. The court cited the precedent set in the case of *Mussivand v. David* (1989), 45 Ohio St. 3d 314, 318, 544 N. E. 2d 265, in which grounds for the awarding negligence claims arose. In the *Musivand* case, the court said that any negligence claims must meet three conditions: a) the duty of care owed to the claimant; b) a violation of the term, and c); the violation of the term being the proximate cause of the injury. In light of these conditions, the court said that Pfeil owed no special duty of care to Oglesbee; rather, the former party owed a general care to all of the guests. Therefore, it would be unreasonable to grant the appellant's claims.

### Conclusion

Generally, the appeal court established that the defendant owed the claimant no legal obligations, therefore she could not be granted negligence claims. With the defendant's agent walking behind her, the court established that the appellant had an unhindered view of her steps. Her injury was therefore not proximately caused by the eight-inch kerb or the agent's failure to inform her about the steep step, but by her own negligence.