

IN THE SUPERIOR COURT OF TATTNALL COUNTY
STATE OF GEORGIA

LOIS D. SCOTT,

Plaintiff,

vs.

PIGGLY WIGGLY CAROLINA
COMPANY, INC. and
WAYNE DURRENCE,

Defendants.

CIVIL ACTION NO. 2003-V-480

**STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE
ISSUE.**

COMES NOW, Piggly Wiggly Carolina Company (Hereinafter "Piggly Wiggly"), by and through its council and files this statement of material facts as to which there is no genuine issue as follows:

1. On November 1, 2001, Plaintiff Lois Scott allegedly fell at the shopping center owned by Defendant Wayne Durrence.
2. Piggly Wiggly is a tenant of the shopping center at which Plaintiff allegedly fell.
3. Plaintiff allegedly fell on a water drain grid located several feet from the entrance to Piggly Wiggly.
4. The water drain was next to the entrance to another merchant in the shopping center.
5. Plaintiff had been shopping in the Piggly Wiggly Store.
6. Plaintiff had concluded her shopping and had exited the Piggly Wiggly Store when she allegedly fell.

7. Plaintiff was on her way to visit another merchant in the shopping center when she allegedly fell.
 8. Plaintiff contends that she fell on a water drainage grid.
 9. To the best of Piggly Wiggly's knowledge, there had been no other falls connected with the drainage grid.
 10. Piggly Wiggly had no knowledge whatsoever of any defects in the drainage grid at the time of Plaintiff's alleged fall.
 11. Plaintiff had shopped at the same Piggly Wiggly Store over ten times previously and had already been there once or twice the week she allegedly fell.
 12. On November 1, 2001, the Plaintiff entered and exited the Piggly Wiggly store through the same door.
 13. While the Plaintiff was on her way out of the store, she was speaking with a man she knew from work when she heard the teller machine making a loud noise. She looked back over her right shoulder to see what the noise was and fell.
 14. Plaintiff was wearing slip-on shoes when she tripped and fell on the drainage grid.
- This _____ day of _____, 2004.

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