

NOVEMBER 7, 2022

DAILY REPORT

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Customer Injured by Food Supplier Forklift Settles Suits for \$11M

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BAILEY INTERNATIONAL, A nationwide food manufacturer, has settled for \$11 million with a plaintiff who sued the company over injuries suffered during a forklift accident at its Atlanta location.

Plaintiff Sun Young Cho brought negligence and premises liability claims against the company and its forklift driver who allegedly caused the injuries.

The case originated in August 2020, when Cho went to Bailey Foods to purchase goods for her local wing shop. While she was waiting, defendant Ming Chi Li, an employee for the company, backed his forklift into Cho and causing open fractures to her right leg.

She accumulated \$1 million in medical expenses to treat her fractures and underwent nine surgeries at Grady Memorial Hospital in Atlanta following the incident, according to the plaintiff's counsel.

Attorneys Kim McGowan and James Rice Jr. of James A. Rice Jr., PC, filed under the traditional premises liability statute in Georgia, O.C.G.A. § 51-3-1, providing for the duty of landowners to their customers to exercise "reasonable care."

"At the time of the Incident, Defendant Baily International of Atlanta Inc. knew or should have known that Defendant Li was not qualified by training, experience, or skill to operate the forklift safely," Rice and McGowan stated in their original complaint.

Although a trial was expected to occur in 2023, attorneys made a policy limits demand after some litigation had taken place. Bailey International tendered the \$11 million in total



James Rice Jr. (left) and Kimberly McGowan, both with the law office of James A. Rice Jr., represented the plaintiff in the case.

coverage, with a \$1 million insurance policy and \$10 million in excess coverage.

"Kim and I feel the case is important as we were able to obtain a significant settlement that will cover future expenses and lost income for the balance of our client's life," Rice said. "[We] worked extremely hard in deposing every witness put forth by the defendants to ensure the best result possible."

"The forklift driver was adamant that he did not do anything wrong and that [the plaintiff] walked into the path of the forklift," he added.

Defendants at Bailey International were represented by Ashley Alfonso at Swift Currie McGhee & Hiers, who could not be immediately reached for comment. 