

Supreme Court of Ohio holds a grocery store is not required to train customers on how to operate motorized carts.

In December 2012, Barbara Rieger was at the bakery counter at a Giant Eagle when she was struck by a motorized cart driven by another customer, Ruth Kurka. Rieger subsequently filed suit against Kurka and Giant Eagle. At trial, the evidence against Giant Eagle showed that Kurka was suffering from dementia prior to the accident and had not been trained on how to operate the motorized cart. In addition, Giant Eagle admitted that there were no operational instructions on the carts because Giant Eagle assumes that all individuals who use the carts will know how to operate them. Finally, there was evidence that there had been 117 incidents involving motorized carts at various Giant Eagle stores between 2004 and 2012.

After trial, the jury awarded Rieger \$121,000 in compensatory damages and \$1,198,000 in punitive damages. On appeal, the 8th District affirmed, but reduced the punitive damages claim to \$242,000 based on the statutory caps.

The Supreme Court of Ohio accepted the case for review to decide whether Rieger had presented sufficient evidence to establish her claims for negligence and negligent entrustment. As to negligence, the Court reversed, holding that there was insufficient evidence on the issue of “causation,” i.e. whether Giant Eagle’s failure to provide Kurka with instructions on how to operate the cart caused the accident. Although Rieger argued that, had Giant Eagle properly trained Kurka, the accident would not have happened, the Court held that was “pure speculation.” Instead, the Supreme Court held that “Rieger presented no evidence that Giant Eagle’s lack of instruction and training was the cause of the accident in her case.”

As to negligent entrustment, the Court noted one of the elements required Rieger to prove that Giant Eagle knew (or should have known) that Kurka was incompetent to operate the motorized cart. The Court held that Rieger presented no evidence on this element. First, the evidence showed that Kurka had been operating the motorized carts for well over a year without any accidents; therefore, there was no evidence her dementia rendered her incompetent to operate a cart. Second, the Court held that Rieger presented no evidence that Kurka’s dementia was readily discernible; therefore, Giant Eagle could not have known about her condition. Therefore, the Court concluded that the trial court should have granted Giant Eagle a directed verdict on Rieger’s negligence and negligent entrustment claims.

In conclusion, in *Rieger v. Giant Eagle, Inc.*, Slip Opinion No. 2019-Ohio-3745, the Supreme Court of Ohio held that, in general, a grocery store is not required to train its customers on how to operate motorized carts.