

Litigator of the Week: Voir Dire Key to Airport Slip-and-Fall Win

By [Miriam Rozen](#), *Texas Lawyer*

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Zandra Foley, a partner in Thompson, Coe, Cousins & Irons in Houston

With a take-nothing final judgment issued on Oct. 29 in the 127th District Court in Houston, Zandra Foley could chalk up a victory for her trio of clients: GCA Services Group of Texas, its parent company Continental Airlines Inc. and the city of Houston.

Foley says her clients' odds of winning the slip-and-fall case improved significantly during voir dire, when she and her team picked a jury that wasn't loaded with panel members biased against airports and airlines.

"I worried about that," says Foley.

Foley, a partner in Thompson, Coe, Cousins & Irons in Houston, and associates Cory Reed and Steven Augustine defended the three clients at a three-day jury trial that began Oct. 1.

In a third amended petition filed May 31 in *Leticia Cockrell v. Continental Airlines Inc.*, the plaintiff alleged that, on her way to catch a flight to London in Terminal E of the George Bush Intercontinental Airport, she slipped, fell and fractured her left kneecap due to spilled food in the airport, which is managed by GCA Services.

In the petition, the plaintiff alleged negligent undertaking against GCA, on which she states Continental had relied. She alleged a premise tort claim against the city of Houston and GCA. She sought as much as \$450,000 in damages. Dane Patrick, of counsel at San Antonio's Langley & Banack, represents the plaintiff and did not return a telephone call seeking comment.

In their Sept. 23 answer to the amended petition, the defendants denied the allegations and as an affirmative defense stated that the plaintiff's negligence caused her own damages.

After a three-day trial, a jury issued its verdict on Oct. 3, answering "no" to the question of whether GCA's negligence proximately caused the occurrence in question, leading to the jury's final take-nothing judgment.

"There were some problems with her story," Foley says about the plaintiff. In court, the plaintiff argued that the spill was some sort of spaghetti-type sauce in a puddle as large as 3 feet in diameter and that it remained on the floor for some 45 minutes, Foley says.

But in this day and age of airport security, few people who travel through airports would find such a scenario credible, Foley says. She believes the jury doubted the plaintiff and therefore decided for her clients.