

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAMARIS DeGRAFT-JOHNSON : CIVIL ACTION
and MENSAH DeGRAFT-JOHNSON :
 :
 :
 vs. :
 :
 :
 RUBY TUESDAY, INC. : NO. 06-2800

MEMORANDUM

ROBERT F. KELLY, Sr. J.

JULY 27, 2007

Plaintiff Damaris DeGraft-Johnson claims that she was injured on August 29, 2004 when she slipped and fell on a wet floor inside a Ruby Tuesday restaurant operated by Defendant. This matter is before the Court on Defendant's Motion for Summary Judgment. In that motion the defense alleges that the Plaintiff cannot show: (1) that Ruby Tuesday or its employees knew that the floor was wet; (2) how the floor became wet; or (3) how long the floor had been wet prior to her fall.

On July 17, 2007, oral argument was held on the motion. After considering the arguments of counsel and the briefs submitted, I conclude that Plaintiff can produce evidence that at least two waiters, employees of the Defendant, were standing in the immediate area of Plaintiff's fall. That they either knew or should have known of the existence of the liquid on the floor.

I therefore enter the following Order.

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ORDER

AND NOW, this 27th day of July, 2007, upon consideration of the Defendant's Motion for Summary Judgment (Doc. No. 22) and all responses thereto, it is hereby **ORDERED** that Defendant's motion is **DENIED**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE