

Judge tosses suit over rattlesnake bite

Walmart not liable for damages from 2012 incident

Kerri Sandaine/Lewiston Tribune

ASOTIN - An Asotin County judge said Walmart is not liable for a rattlesnake bite that occurred more than three years ago in the garden center of the retail giant's Clarkston store.

In a written decision handed down this week, Judge Scott D. Gallina granted the retailer's motion for summary judgment. As a result, a personal injury lawsuit filed by Mica Craig will not go to trial.

In the lawsuit, Craig said he was bitten by a rattlesnake May 11, 2012, in the garden supply section of Clarkston's Walmart. The Clarkston man said he killed the snake by stepping on it and a bystander took him to the hospital. His medical bills were reportedly in excess of \$100,000.

"Plaintiff essentially asks the court to apply a strict liability standard because Walmart built a store in a part of the country that humans share with snakes," Gallina wrote. "There is no support for such a proposition. Carried to an extreme, no merchant could ever have open-air parking for fear that an osprey or nesting hawk could swoop down and injure an unsuspecting person, which had roused its ire."

The list of critters that share the environment with people in this part of the world includes skunks, badgers, brown recluse and black widow spiders, coyotes and now wolves, Gallina said.

"No rational argument can be made that a vendor has a duty to hire hunters and trappers to keep the premises safe simply because wild animals may be in the area," the judge said.

Craig, who was seeking recovery of an unspecified amount of damages, was represented by Seattle attorneys Anne M. Bremner and Jason D. Anderson of the Frey Buck firm. Walmart's counsel was attorney Troy Nelson of Spokane.

The incident made national headlines and late-night talk shows after Craig was interviewed at the hospital by the Lewiston Tribune.

At the time, Craig said he had a medical marijuana license to treat rheumatoid arthritis and was at the store looking for mulch for his plants. He reached down to grab what he thought was a stick to toss it out of the outdoor aisle of garden supplies.

Craig said it turned out to be a rattlesnake.

"I did a tap dance on it and got it killed," he said in an interview in 2012.

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