

# Home Depot suit moves to U.S. court

## Lewiston police chief says metal shelf collapsed while he was using it as a ladder

A \$200,000 personal injury lawsuit filed by a top city of Lewiston official against a national big-box store was moved from Lewiston's 2nd District Court to Idaho's U.S. District Court at the request of the defendants.

Lewiston Police Chief Chris Ankeny filed the lawsuit in October in Lewiston's 2nd District Court against Home Depot for an injury he sustained while climbing on a shelf in March that allegedly collapsed under his weight, causing him to fall to the concrete floor of the garage at his Lewiston home. The fall caused him to break bones in his lower arm and back, according to the lawsuit.

Attorneys for Home Depot argued that U.S. District Court was a better venue for the suit because of Home Depot's stature as a national company and because Ankeny resides in Nez Perce County, which is part of Idaho's 2nd District.

The request was granted this month, and the case was moved to federal court on Friday.

According to the lawsuit, Ankeny used a metal Husky Tools shelf as a ladder to retrieve a box of boots off an adjoining shelf in his garage, and stood on the top shelf of the four-tiered Husky Tools shelf when it allegedly collapsed.

He fell to the floor, fracturing his arm and back and accrued \$15,000 in medical bills, according to the suit.

In a letter to Home Depot, Lewiston attorney Paul Thomas Clark accused the company's actions as being outrageous and reckless and asked for damages exceeding \$200,000 for his client's pain and suffering.

"He has been unable to carry on his normal activities at work and home without extreme discomfort and limitations," according to the letter. "His injuries have limited his abilities to properly handle a handgun."

In the lawsuit, Ankeny alleges the rack did not contain an on-product warning and that it was advertised to support 8,000 pounds, although a description in the instructions alerted consumers to not stand on the shelf. The suit accuses Home Depot of breach of warranty, and selling a defective product.

A jury trial has been requested in the case, but a date has not been set. Home Depot is represented by Boise attorneys Michael W. Moore and Brady J. Hall.

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