

'It's Got To Be A Wake-Up Call': Atlanta Attorney Hopes \$16M Verdict Spurs Training Changes at Hotels

An Atlanta trial attorney said he is hopeful a recent state court verdict can serve as a "wake-up call" for "big-time owners" of smaller hotel chains to better ensure the safety of guests.

L. Chris Stewart of Stewart Miller Simmons Trial Attorneys told Law.com that he hopes that a recent \$16 million verdict in favor of a sexual assault victim in Winston-Salem, North Carolina, will start to change the conversation. He said hotels must prioritize proper training for their employees, especially when handing out room keys.

"It's still shocking how often this happens," Stewart said. "Key card security should be the number one measure if you work at that front desk, above anything else. The key cards are the priority, and it's not being taken as seriously as it should."

The Superior Court of Forsyth County entered a judgment on Nov. 27 confirming a jury verdict for plaintiff Juateria Hill, who was allegedly raped and sodomized at the Residence Inn by Marriott in Winston-Salem in April 2020. The jury found the front desk employee who handed a key card to Hill's attacker was negligently trained by Marriott. Following a 5-day trial in October, Hill was awarded \$16 million in compensatory damages for the unexpected guest's alleged assault.

Stewart touted the significance of the verdict as being "the largest ever in [Forsyth County] and from what we've seen one of [the] highest in the state for a non-default judgment injury case." The previous rate topped out at \$850,000, according to Stewart.

"There's really no worse injury in my personal opinion than a woman or a child being sexually assaulted," Stewart said. "We know the value of a severely broken leg; it could be a million or it could be two if it's permanent, but someone actually being raped and then sodomized; there's no limit to what that verdict could be."

This was the second landmark verdict Stewart led against a hotel on behalf of a client who was sexually assaulted under similar circumstances. In Camden County, North Carolina, a front desk worker improperly handed out a key card to a male stranger, who accessed a woman's room without permission. In 2013, Margaret Radke was awarded \$1.5 million against the Western Motel.

It was Camden County's first million-dollar verdict, Stewart said.

"Hopefully this will change things and increase safety and training across the country," Stewart said.

In the present case, Hill went to the Residence Inn in Winston-Salem for a birthday party with friends the night of the assault. While initially joined by her boyfriend Gerry Walters, Hill was later left alone in her hotel room in the middle of the night. Terrell Simmons, a visitor who did not know Hill or any of the party members, allegedly obtained a key card to her room from front desk employee William Shannon Rubush despite not being listed as a guest.

Simmons showed his ID, which did not match their hotel records, and allegedly entered Hill's room and assaulted her, according to the allegations.

Stewart was able to prove that Marriott maintained control over safety policies at the Residence Inn and was negligent in preparing and supervising Rubush. The jury rightly saw that Marriott had not adequately trained its employees for key card security, in favor of business interests such as marketing, Stewart told Law.com.

"What I think the jury saw was that they care more about marketing materials, rather than safety and security of people that stay there," he said. "The amazing thing is that in this case, we were able to show that Marriott retained complete control over training and safety and policies that are implemented at the Residence Inn, so the jury brought back a verdict not just against the Residence Inn, but against Marriott."

The former general manager of the property also testified during the trial that Rubush was not fully trained and should not have been left alone at the hotel.

"Marriott thought they were going to get out of the case, but I think we did a very good job of showing they did training at the facility themselves," Stewart said. "All of the online training is through the actual Marriott websites, training and monitoring the punishment that Marriott can do to a Residence Inn if certain things aren't met, and then showing that they just never actually train on preventing sexual assaults or key card safety, but yet they'll pop in and fine the Residence Inn for not having the right breakfast food."

Another big turning point in the case, according to Stewart, was the discovery that a similar incident happened about a year before Hill's attack. In that instance, an employee handed out an unauthorized key card to a visitor's father who was not a listed guest, sparking an online complaint that Marriott refused to address.

"It's got to be a wake-up call to all of the big-time owners of these smaller chains," Stewart said. "The key priority above anything at your hotel has to be on safety and security, and knowing that predators are going to be trying to take advantage of getting into a female's room.

Stewart tried the case with partner Daedrea Fenwick and associate Alex Perwich, and worked with local counsel Chimeaka L. White of The White Law Firm in Greensboro, North Carolina.

Marriott, Residence Inn, Simmons and Rubush were represented by Kenneth Kyre, Jr. of Pinto Coates Kyre & Bowers in Greensboro, North Carolina, and Daniel Mullins of Hartzog Law Group in Durham, North Carolina. Neither Kyre nor Mullins responded to a request for comment.