

RENDERED: February 4, 2005; 10:00 a.m.
NOT TO BE PUBLISHED

Commonwealth Of Kentucky
Court Of Appeals

NO. 2004-CA-000312-MR

AARON M. MUHAMMAD

APPELLANT

v. APPEAL FROM JEFFERSON CIRCUIT COURT
HONORABLE GEOFFREY P. MORRIS, JUDGE
ACTION NO. 02-CI-003648

ETHEL L. MILES-MOORE

APPELLEE

OPINION
AFFIRMING

** ** * * *

BEFORE: DYCHE, KNOPF, AND TACKETT, JUDGES.

KNOPF, JUDGE: Aaron Muhammad appeals pro se from a summary judgment of the Jefferson Circuit Court, entered January 12, 2004, dismissing his claim for damages against Ethel Miles-Moore. In May 2001, Muhammad tripped and injured himself on a sidewalk abutting property Miles-Moore owns near the intersection of 18th Street and Broadway in Louisville. Muhammad

claims that the sidewalk was so decayed as to be defective and that Miles-Moore breached her duty to maintain it. As the trial court correctly noted, however, an adjoining property owner does not owe a common-law duty to pedestrians to maintain public walkways. In Schilling v. Schoenle,¹ furthermore, our Supreme Court held that maintenance ordinances, such as § 97.112 of the former Louisville Code, create a duty property owners owe to the city, but not one owed to pedestrians such as Muhammad. We agree with the trial court that Schilling v. Schoenle is controlling under the facts Muhammad alleges, and, of course, this Court does not have authority to entertain Muhammad's suggestion that that case be overruled.² Accordingly, we affirm the January 12, 2004, judgment of the Jefferson Circuit Court.

ALL CONCUR.

BRIEF FOR APPELLANT:

Aaron M. Muhammad, pro se
Jeffersonville, Indiana

BRIEF FOR APPELLEE:

J. D. Raine, Jr.
Ferreri & Fogle
Louisville, Kentucky

¹ 782 S.W.2d 630 (Ky. 1990).

² Fields v. Lexington-Fayette Urban County Government, 91 S.W.3d 110 (Ky.App. 2001).