

# The Alabama Jury Verdict Reporter

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January, 2017

Statewide Jury Verdict Coverage - Published Monthly

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**Auto Negligence - A driver who had a history of hallucinations and psychotic episodes admitted he caused a serious motor vehicle crash but said it was due to obstructed vision and not his medical condition**

*Maske v. CenseoHealth, et al.,*  
13-900071

Plaintiff: Keith T. Belt, Jr. and S. Drew Barnett, *Belt & Bruner, P.C.*, Birmingham

Defense: Robert B. Huie, Birmingham; Roderick K. Nelson and Thomas S. Hiley, *Spain & Gillon, LLC.*, Birmingham, for Harmon and CenseoHealth; Andrew Turpen, S. Reid Dunlap, and Melissa B. Croxton, *Law Office of Melissa B. Croxton*, Birmingham, for Harmon

Verdict: \$3,200,000 for plaintiff

Circuit: **Jefferson**, 7-13-16

Judge: Peyton C. Thetford

In the early afternoon of 11-15-12, Joyce Maske was driving a 2012 Toyota Corolla westbound along U.S. 280 near its intersection with Forest Glen Road in Sylacauga. A median separated the westbound lanes from the eastbound lanes. Suddenly, an eastbound vehicle pulled into the left turn lane and started to turn left directly in front of Maske. She struck the other vehicle on its side.

The other vehicle was a Hertz rental being driven by Dr. Shawn Harmon, a physician employed by CenseoHealth, LLC., to give medical screening examinations and health risk assessments of Medicare beneficiaries at the homes of elderly patients. Dr. Harmon had already

**Premises Liability - A shopper at a Dollar General store suffered a badly broken leg after she slipped and fell in a puddle of liquid laundry detergent**

*Revette v. Dollar General*, 12-901533

Plaintiff: Robert L. Mitchell and George M. Dent, III, *Cunningham Bounds, LLC.*, Mobile

Defense: Matthew D. Miller, *Copeland Cook Taylor & Bush, P.A.*, Hattiesburg, MS

Verdict: \$1,725,000 for plaintiff

Circuit: **Mobile**, 9-22-16

Judge: James C. Wood

On 7-9-12, Deborah Revette and her granddaughter, Caitlyn White, went shopping at the Dollar General store at 7600 Three Notch Road in Mobile County. The pair went to the back of the store, walked along the back aisle, and then turned right at the back right corner of the store.

As Revette turned the corner, she slipped on a spill of liquid laundry detergent from a Purex detergent bottle. Revette fell to the floor and suffered a bad break of her leg.

Revette required extensive treatment and visited an orthopedic physician, a wound-care doctor, and a plastic surgeon. Her providers billed her \$470,844 for her care, and her healthcare insurer paid \$92,252 on her behalf.

Revette filed suit against Dollar General and the store manager Shelley Smith and blamed them for allowing a dangerous condition to exist on the store floor. Revette dismissed Smith before trial, but she continued her claims against Dollar General.

Dollar General defended the case and argued it had not known of the detergent spill before Revette's fall. Defendant had a policy about store inspections and the elimination of slip hazards. In accordance with the policy, one of its employees had walked through the area about 15



*Robert L. Mitchell for the plaintiff*

minutes before Revette's fall. The employee had not seen any detergent spill at that time.

The case was tried to a Mobile jury in early April of 2016, but the court declared a mistrial because of its concern regarding the "manner in which evidence of slip and fall incidents in other Dollar General stores was being portrayed, intentionally or unintentionally, to the jury." Both parties had objected to the court's offer to resolve the problem by delivering a curative instruction to the jury.

Another trial in September 2016 resulted in a jury verdict of \$1,725,000 for Revette. The court entered a judgment for that amount.

**Case Documents:**

[The Jury Verdict](#)

**Auto Negligence - A driver who rear-ended the vehicle in front of him on a rural road blamed the other driver for braking abruptly**

*Campbell v. McElroy*, 14-900261

Plaintiff: John T. Stamps, III, *The Stamps Law Group, LLC.*, Bessemer

Defense: Peter M. Wolter, *Varner & Assocs.*, Birmingham

Verdict: \$21,005 for plaintiff

Circuit: **Jefferson**, 4-13-16

Judge: Eugene R. Verin

On 10-22-13, Quincy Campbell was driving north on Hwy. 75 in rural Jefferson County. At the same time, David Knighton was driving behind him. Knighton was driving home from the Food Giant in Centerpoint. For reasons not explained in the record, Campbell braked. An instant later, Knighton

rear-ended Campbell.

Campbell suffered injuries in the crash. The record does not describe the nature of his injuries, but his medical bills came to \$14,763.

Campbell filed suit against Knighton and blamed him for causing the crash. His theories included negligence and wantonness. Knighton defended the case and argued Campbell himself was at fault for having braked abruptly.

Before the case could proceed to trial, Knighton died. He was replaced as the party defendant by Elizabeth McElroy.

After a three-day trial, a Bessemer jury returned a verdict of \$12,000 for Campbell's personal injuries, \$3,000 for his pain and suffering, \$1,500 for his vehicle damage, and \$4,505 for his medical bills. That brought the award to a combined total of \$21,005. The court offset this amount by \$1,300 as the amount already paid by Knighton's insurer for the car damage and entered a judgment of \$19,705.

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