

The Alabama Jury Verdict Reporter

The Most Current and Complete Summary of Alabama Jury Verdicts

February, 2011

Statewide Jury Verdict Coverage - Published Monthly

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Arson - When a woman did not pay a debt she owed to a local man, he hired an acquaintance to set her house on fire; during the arson the woman's teenage daughter was badly burned

Hayes v. Woods, 06-400

Plaintiff: Thomas M. McCarthy and D. Mitchell Henry, *Webster Henry Lyons White Bradwell & Black, P.C.*, Montgomery

Defense: Gary P. Wilkinson, Florence
Verdict: \$5,000,000 for plaintiff

Circuit: **Lauderdale**, 12-7-10

Judge: Michael T. Jones

On 9-28-04, Kerrie Hayes, a teenager, was staying home from school because she was sick. As she rested in her home at 8531 Hwy. 157, Jason Pruitt entered through the back door, poured gasoline on the kitchen floor, released propane gas from a tank, and left a cigarette burning inside a book of matches on the washing machine.

Pruitt left and headed to the fire station. He waited there for ten to fifteen minutes. When no call of fire arrived, Pruitt headed back to the Hayes house. He found the back door locked, so he kicked it in. The house exploded.

Pruitt was thrown into the back yard, where he was knocked unconscious by debris from the back wall of the house. Kerrie was also thrown clear of the house. She was too dazed to know whether she was on fire, but she rolled a few times to make sure she was not and then went to a neighbor's for help. The neighbor called an ambulance.

Kerrie was taken to the hospital, where she was diagnosed with burns covering over 70% of her body. A coma was medically induced. Kerrie remained in the hospital for the next three months recovering. When she left, she was confined to a wheelchair. She was unable to return to school until late January 2005.

As for Pruitt, he picked himself up

and left before he could be discovered. He was, however, burned from the explosion. For help, he went to the man who had hired him, Stevie Woods. Woods had paid Pruitt \$3,000 to burn the Hayes' home, and Woods had given Pruitt the propane tank that Pruitt had used to set the fire. Woods's motive was to settle a debt owed to him by Kerrie's mother, Amy Hayes.

When Pruitt appeared asking Woods for help, Woods gave him some pain pills and some cash to help Pruitt get out of town. Pruitt had hoped to go to his mother's house in Mississippi, but he was too badly burned to manage this. Instead, he went to the hospital for about two weeks to be treated for his burns.

Pruitt and Woods were arrested and charged with assault and arson. They were both convicted. Pruitt went to prison, and Woods appealed unsuccessfully. Possibly because he feared a civil lawsuit and wished to be judgment-proof, Woods then transferred multiple pieces of real property that he owned to his relatives for \$10 per lot.

Meanwhile, Kerrie's physical condition improved. In 2006, she and her mother Amy filed suit against Woods, Pruitt, and Woods's relatives. Plaintiffs alleged counts for negligence, wantonness, arson, and assault and battery against Woods and Pruitt for setting the fire. As for Woods's relatives, plaintiffs claimed that Woods's transfer of land to them had been a fraudulent conveyance.

Pruitt failed to respond and permitted a default judgment to be entered against him. Later while he was in prison, he stated he was willing to abide by the jury's damage award against Woods. Woods and his relatives defended and minimized the damages claimed by plaintiffs.

According to a printed source, a Florence jury deliberated just eight minutes before returning a verdict against Woods for \$5,000,000. Plaintiffs' claims against Woods's relatives do not appear to have been settled during this phase of the trial.

After the jury's verdict, Woods filed, *pro se*, a lengthy handwritten motion to amend the judgment. In his motion, Woods explained in some detail why

the jury's verdict had been unjustified.

First, Woods told the court that the real negligence and wantonness had belonged to Amy Hayes. She had known she owed him a debt for over \$500 and had failed to repay it.

Woods had made no secret of his intentions and had told people that "[Amy] was going to get it" and "if he couldn't do it, he would have it done." He had also told people that "he would blow [Amy's] head off." As proof of this, he cited to the appellate opinion upholding his conviction.

Woods then explained his position further. Because of these clear signals by Woods as to his intent, Amy had been on notice of the risks she was running by failing to repay Woods. As Woods explained, it had been negligent of her to leave Kerrie alone in the house after she had "ripped [Woods] off." Kerrie's injuries were thus Amy's fault, not his.

Furthermore, Woods continued, even if Amy had not ripped him off, it would have been negligent of Amy to leave a sick Kerrie at home because the wiring might have been faulty or lightning might have struck the house, in which case a fire would have started anyway.

Woods finally concluded, "In other words, the injuries and damages of [Kerrie] was the result of [Amy's] own criminal actions [in not paying me]." He asked the court to direct the \$5,000,000 verdict against Amy.

At the time the AJVR reviewed the record, the court had not yet ruled on Woods's motion, nor had it entered a judgment in the case. A hearing was scheduled for early 2011 to resolve issues concerning Woods's financial status.

Auto Negligence - Two vehicles collided on a freeway when one attempted to merge into the lane occupied by another

Sims v. Vereen, 08-1745

Plaintiff: Stewart Springer, *Springer Law Firm, LLC.*, Birmingham

Defense: Roxana L. Bone, *Bates & Bone, LLP.*, Birmingham

Verdict: \$12,500 for plaintiff

Circuit: **Jefferson**, 3-10-10

Judge: Houston L. Brown

On 4-16-07, Laura Sims was driving a 1996 Ford F-150 southbound on I-65

near the 16th Street North exit in Jefferson County. At the same time, Priscilla Vereen was driving a 2004 Pontiac Grand Am southbound on I-65 near the same exit. Unexpectedly, Vereen swerved into Sims' lane and collided with Sims.

In the collision, Sims suffered a broken left arm, a cut to her lip and a bruise to her nose, a back injury, and soft tissue injuries. The record does not show the amount of her medical expenses.

Sims filed suit against Vereen and blamed her for not yielding the right-of-way to Sims. Her theories included negligence and wantonness. Sims also named her UIM/UM carrier, State Farm Mutual Automobile Insurance Company, as a co-defendant.

State Farm opted out of the action before trial. Vereen defended and minimized the damages claimed by Sims.

Shortly before trial, Sims sought to amend her complaint to argue in the alternative that the accident had been caused by an unknown vehicle. State Farm objected to the belated change in Sims' case. The jury was, however, allowed to consider the possibility of a phantom vehicle.

A Birmingham jury heard the parties' arguments in a three-day trial and returned a verdict in Sims' favor against Vereen for \$12,500. The court entered a consistent judgment.

Assault - Jealousy over a boyfriend led one woman to drive her car straight at another in a YMCA parking lot

Soule v. Holley, 09-47

Plaintiff: James E. Robertson, Jr., *James E. Robertson, Jr., LLC.*, Mobile

Defense: James W. Killion, *Killion Potts, P.C.*, Mobile

Verdict: \$46,500 for plaintiff

Circuit: **Mobile**, 9-1-10

Judge: Charles A. Graddick

On 2-28-08, Kaylee Soule drove up to the YMCA in Saraland and parked her car in the adjacent parking lot. While Soule was doing this, Megan Holley was leaving the YMCA.

This was of interest to Soule because Soule's ex-boyfriend, Joshua Lynch, was Holley's current boyfriend. Soule had broken up with Lynch more than a

The Alabama Jury Verdict Reporter 2010 Year in Review

The 2009 Year in Review is back with its **ninth** edition. At more than 500 pages, it represents the cumulative and comprehensive study of Alabama jury trials -- only this volume is better because it summarizes a remarkable *nine* years of data. It looks at verdict results in an encyclopedic fashion, including over twenty reports, chronicling all sorts of patterns, trends and categories, all with an eye towards valuing and settling civil tort claims.

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Won-loss percentages and average verdicts are presented not only statewide, but also by region. What were the biggest verdicts?

Medical Negligence Report

The AJVR summarized all the medical trials in 2010 (28), with complete eight-year totals (**284** since 2002). How often did plaintiffs win? How often did they win the death-medical cases versus the non-death? Who were the attorneys that tried the cases?

The Attorney List

A summary of every attorney who tried a reported case from 2002 to 2010, sorted and included a brief description of the case type, county, party represented and result. An exclusive report summarizes the lawyers and law firms that tried the most cases.

The Million Dollar Verdicts

Who made the list in 2010? There were 13 this year and 242 since 2002. 9-year totals are included.

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