The Alabama Jury Verdict Reporter

The Most Current and Complete Summary of Alabama Jury Verdicts

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Alabama's Jury Verdict Reporter Since 2001

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Civil Jury Verdicts

Complete and timely coverage of civil jury verdicts in Alabama including circuit, presiding judge, parties, case number, attorneys and results.

Uninsured Motorist - Plaintiff suffered a shoulder separation in a crash that happened when he was forced off the road by an uninsured oncoming motorist who drifted into his lane; plaintiff was awarded damages against his UM carrier that were slightly over ninety-six times his medical expenses

Meeks v. Liberty Mutual, 20-900040
Plaintiff: Max Cassady, *Cassady & Cassady, P.C.*, Evergreen
Defense: R. Mac Freeman, Jr., *Rushton Stakely Johnston & Garrett, P.A.*, Montgomery
Verdict: $350,000 for plaintiff
Circuit: **Conecuh**, 9-20-21
Judge: C. Robert Montgomery (Special Judge)

On 5-23-18, Tyler Meeks, then age 20, was on his way to the home of his 103 year-old great grandmother to cut her grass. Meeks was driving his father's pickup truck and hauling a utility trailer containing lawn mowers and other lawn care equipment.

Meeks was driving east on U.S. 84 in Conecuh County. At the same time, a vehicle being driven by Raquel Cobb approached from the opposite direction. As the two vehicles drew near each other, Cobb drifted across the centerline and into Meeks's lane.

Meeks took evasive action to avoid a collision and steered his truck off the road. Despite this maneuver, Cobb collided with Meeks's utility trailer and ran over it. Meanwhile, Meeks continued off the road and traveled approximately twenty to thirty feet through a ditch before coming to a stop in an abandoned parking lot.

In the wake of the crash Meeks was taken to the ER at Evergreen Hospital where he was diagnosed with a right shoulder separation. Meeks's arm was placed in a sling, and he later underwent a course of eight physical therapy sessions and had a couple of follow-up visits with his personal physician. Meeks's medical expenses totaled $3,640.

Meeks filed suit against Cobb and blamed her for crossing the centerline into his lane of travel and thereby causing the crash. Cobb's insurer, Dairyland Auto, was informed of the lawsuit but sent plaintiff's counsel a letter explaining that Cobb had not been insured at the time of the crash.

Furthermore, Cobb herself did not respond to the lawsuit, could not be located, and played no further role in the litigation. Accordingly, Meeks also presented an uninsured motorist claim against his own insurer, Liberty Mutual. Meeks's available UM coverage with Liberty Mutual totaled $300,000.

If successful, Meeks sought recovery of his medical expenses, as well as for his pain and suffering and his mental anguish. According to Meeks, he experienced severe pain in the immediate aftermath of the crash, and he still suffers from intermittent pain.

Meeks also complains he is no longer able to pick up his two year-old daughter. This, he explained, is a source of great distress for him. On the other hand, Meeks did not miss any work due to his injuries, and he thus made no claim for lost wages.

Liberty Mutual admitted Cobb was at fault for the crash and instead defended the case on the issue of

damages. On that issue, Liberty Mutual noted that Meeks had visited medical providers a number of times after the crash due to other unrelated injuries, and on none of those visits did he mention any shoulder pain.

Based on that evidence, Liberty Mutual minimized Meeks's claimed injury. Additionally, Liberty Mutual noted that Meeks stated at one point that the reason he could no longer pick up his daughter was that she had gained weight.

The case was tried in Evergreen solely on the issue of damages. Cobb did not appear for the trial. In closing arguments, Meeks asked the jury for an award of $300,000 – i.e., the exact amount of his available insurance coverage.

The jury deliberated for approximately twenty minutes before returning a verdict for Meeks in the amount of $350,000. Liberty Mutual filed a motion for a new trial on the ground that the verdict was excessive and against the weight of the evidence.

Liberty Mutual calculated that if we deduct Meeks's medical expenses of $3,640 from the verdict, that leaves the balance of $346,360 for his pain and suffering and mental anguish. It seemed to Liberty Mutual that such an award was so excessive as to shock the conscience and should be set aside.

The court denied the defense motion for a new trial but did remit the award to the policy limits of $300,000. The court entered a judgment for that amount, plus costs of $341. The judgment has been satisfied.

Case Documents:

Defense Motion for New Trial
Plaintiff Response to New Trial Motion
Order of Motion for a New Trial

Products Liability - The plaintiff died of an asphyxiation crush injury when his zero turn riding mower rolled over on him on a steep slope – the plaintiff's estate alleged a combination of design error and substandard warnings that concerned the mower's failure to have roll-over protection – the manufacturer had a two-part defense: (1) the roll-over was related to operator error, and (2) it wasn't a crush injury at all and thus not a roll-over problem, the plaintiff instead dying after striking his head on a rock

Melton v. Husqvarna Professional Products, 2:19-1065
Plaintiff: R. Graham Esdale, J. Cole Portis and Dana G. Taunton, *Beasley Allen*, Montgomery
Defense: Jeffrey C. Warren, *Bowman & Brooke*, Phoenix, AZ, Dennis R. Bailey and J. Evan Bailey, *Rushton Stakely Johnston & Garrett*, Montgomery and Robert L. Wise, *Nelson Mullins*, Richmond, VA
Verdict: Defense verdict on liability
Federal: **Montgomery**, 3-29-22
Judge: Wm. Keith Watkins

Horace "Randy" Melton, age 53, was working on 8-6-18 on a lawncare maintenance job at The Cove at Lake Martin in Tallassee, AL. The property belonged to the Lawrence family (located on Honeysuckle Hill), and it sloped down toward the lakefront. Melton, who was experienced in his profession with a wide-range of lawn-mowers, had worked the property many times before and was familiar with it.

Melton was using a Husqvarna model riding lawnmower. It is in a class of mowers described as ZTR or zero turn mowers. It has hand controls. Melton operated the mower on a flat ten-foot wide and 100-foot long stretch of grass. The stretch was essentially a shelf, and on one side it sloped sharply (at a 45 degree angle) toward the lake.

Suddenly, Melton lost control of the mower. It slid down the slope and turned over. The equipment was heavy and it pinned him between the embankment and a gazebo (Melton had actually constructed the gazebo for the Lawrence family).

Melton was working alone. Several hundred yards away (across the lake) a neighbor heard screaming. The neighbor drove over to help. While the neighbor was close as the crow flies, it was a two mile drive, and it took the neighbor some 10 minutes to arrive. When the neighbor finally made it to Melton, he discovered Melton's lifeless body. It would take five men and a tractor to pull the mower from Melton's body.

There was no autopsy done but the local coroner determined that Melton had chest bruising. The coroner concluded Melton had died of blunt chest asphyxiation. Melton was survived by his wife, Dorothy.

In this products liability lawsuit pursued by the Melton estate, it was alleged that the Husqvarna mower had a combination of defective design and defective warnings. The heart of the case was that the mower (sold in 2011) didn't have roll-over protection – such protection was offered only as an option, and when the mower was sold in 2011 that option was not selected. The Lawrence family (which owned the mower) would testify that if they had known of the roll-over risk, they would have purchased the roll-over protection option.

It was further argued that if the mower had such protection (Husqvarna knowing of the roll-over risk), it would not fully overturn and in fact, could only make a one-quarter turn. In that context Melton would not have suffered the crush injury. The plaintiff also implicated