

# The Alabama Jury Verdict Reporter

The Most Current and Complete Summary of Alabama Jury Verdicts

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Statewide Jury Verdict Coverage - Published Monthly

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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.

**Medical Negligence - Plaintiff developed a MRSA infection following a hip replacement surgery; when she became reinfected following a revision of that surgery, she blamed her orthopedic surgeon for performing the revision surgery without first ensuring the infection had been eradicated and without discontinuing her antibiotics**

*Johnson v. Hudgens, et al.*, 18-900679

Plaintiff: Stephen D. Heninger and James A. Stewart, *Heninger Garrison & Davis, LLC.*, Birmingham

Defense: Thomas M. Rockwell and Kathleen C. Kaufman, *Rockwell & Kaufman, LLC.*, Mobile

Verdict: Defense verdict

Circuit: **Mobile**, 1-30-23

Judge: Charles A. Graddick

In February of 2016, Barbara Johnson, then age 58, was suffering from pain in her right hip. She consulted on the matter with Dr. Russell Hudgens, an orthopedic surgeon employed by the Alabama Orthopedic Clinic, P.C. in Mobile.

Dr. Hudgens recommended a total right hip replacement. On 2-16-16, Johnson was admitted to the Orthopedic Center within Springhill Memorial Hospital to undergo the procedure. The Orthopedic Center was operated as a joint venture between Springhill and the Alabama Orthopedic Clinic.

Dr. Hudgens performed the surgery, and it was uneventful. Following the surgery, however, Johnson began to show signs of an infection at the surgical site. She returned to Dr. Hudgens for a follow-up evaluation and treatment.

When the infection persisted, Dr. Hudgens ultimately recommended a

two-stage revision of the hip replacement. The first stage would be the removal of the hip implant, and the second stage would consist in the placement of a second implant.

Dr. Hudgens performed the first stage – i.e., the removal of the first implant – on 11-1-16. During that procedure specimens were taken that later tested positive for a MRSA infection. Johnson consulted with an infectious disease physician who prescribed antibiotics.

On 12-27-16, Dr. Hudgens performed the second stage of the revision surgery – i.e., the placement of the new implant. At that time Johnson was noted to have septic arthritis. Following the surgery her infection worsened and led her to endure extensive treatment that included physical therapy.

It became apparent that Johnson had become reinfected and thus required a second revision surgery. The first stage of that revision was performed on 4-25-17 to remove the second implant. The second stage was performed on 10-30-17 to place a third implant.

Johnson recovered from this second revision surgery with no further infections. However, she filed suit against Dr. Hudgens and the Alabama Orthopedic Clinic over their handling of her treatment. According to Johnson, Dr. Hudgens failed to communicate with her infectious disease physician prior to the 12-27-16 surgery.

More importantly, Johnson argued that the standard of care require Dr. Hudgens to order an “antibiotic holiday” – i.e., a period of no antibiotics – prior to the 12-27-16

rejected the offer and filed suit on an underinsured motorist claim. State Farm defended the case and minimized Hayes's claimed damages.

The case was tried in Lee County. The jury returned a verdict for Hayes and awarded her damages of \$200,000. The court applied a set-off for the settlement with Hall and entered a final judgment for Hayes in the amount of \$100,000.

**Case Documents:**

[Final Judgment](#)

**Auto Negligence - Plaintiff complained of soft-tissue injuries following a rear-end crash at a traffic light; the jury found for the defense**

*Nash v. McGee*, 19-900130

Plaintiff: Patrick L. Pantazis and Craig L. Lowell, *Wiggins Childs Pantazis Fisher & Goldfarb, LLC.*, Birmingham

Defense: Nickolas J. Steles, *Nickolas J. Steles, P.C.*, Tuscumbia

Verdict: Defense verdict

Circuit: **Lauderdale**, 3-16-23

Judge: Gilbert P. Self

In the morning of 5-17-18, Sue Nash was stopped for a traffic light at the intersection of Huntsville Road and Cox Creek Parkway in Florence. At the same time, James McGee, Jr. approached Nash's position from behind. McGee failed to stop in time, and he rear-ended Nash.

Nash claimed to have suffered soft-tissue injuries to her neck, back, and shoulder that she attributed to the crash. The record also indicates she had surgery, though the purpose of the surgery is not known. The record does not reveal the amount of her medical expenses.

Nash filed suit against McGee and blamed him for failing to stop in time and for crashing into her. McGee defended the case and minimized Nash's claimed injuries.

The case was tried in Florence. The jury returned a verdict for McGee, and the court closed out the case with the entry of a defense judgment.

**Case Documents:**

[Jury Verdict](#)

**Equal Pay Act - A female environmental engineer for a large manufacturing facility alleged she was paid less than a male comparator – the company replied his job was substantially different (he dealt with air standards rather than water standards as the plaintiff did) and his recruitment to the company required a competitive offer**

*Harris v. International Paper*, 2:20-573

Plaintiff: James R. Morgan, Birmingham

Defense: Russell W. Jackson and Mollie K. Wildman, Ford Harrison, Memphis, TN, Terrence W. McCarthy, *Lightfoot Franklin & White*, Birmingham and Tammy L. Baker, *Jackson Lewis*, Birmingham

Verdict: Defense verdict on liability

Federal: **Mobile**, 8-4-23

Judge: Terry F. Moorer

Joni Harris started working in 1998 for a paper mill in Pine Hill, AL (Wilcox County) as an environmental engineer. She came to the job with a masters degree. Harris remained on the job in 2008 when the Memphis-based International Paper purchased the mill.

Moving forward to 2017, International Paper hired a new environmental engineer. This employee (McCray) was assigned at the same level as Harris. However he was paid \$108,000 a year. Harris earned just \$101,000.

Harris complained about the pay disparity. She argued that she and McCray had the same job. They were both environmental engineers, and there was no reason for him to

be paid more than her. Harris filed this lawsuit in 2020 alleging a variety of tortious counts and was ultimately fired in 2022 by International Paper.

Those counts included race discrimination (McCray was white) as well as retaliation regarding her termination. The court dismissed all counts by summary judgment except one. Harris was permitted to advance her equal pay claim to a jury. She sought lost wages associated with the pay differential as well as liquidated damages.

International Paper denied an equal pay violation. It first argued that McCray's work was in a completely different job. While Harris was an engineer working with water quality compliance, McCray was brought in to restructure air quality compliance. Moreover McCray's higher rate of pay was described as being necessary to present him a competitive offer. International Paper also explained that both Harris and McCray earned salaries within the prescribed range of their employment level – i.e., as Engineer Class 13. Harris thought these excuses were all a speculative pretext to mask an equal pay violation.

This case was tried for three days in Mobile. While the verdict itself is not in the record, the court minutes reflect it was a defense verdict. The court has not entered a final judgment.

**Case Documents:**

[Summary Judgment Order](#)  
[Pretrial Order](#)