

# Federal Jury Verdict Reporter

The Most Current and Complete Summary of Federal Jury Verdicts

March 2008

Nationwide Federal Jury Verdict Coverage

4 FedJVR 3

## Notable Verdicts in The March 2008 Issue

**Disability Discrimination** - *Ohio Southern* - A man in a wheelchair was not hired for a security job - Zero p. 4

**Excessive Force** - *IN Southern* - A rookie campus cop burst into a backyard and fatally shot an college student - Zero p. 9

**First Amendment** - *Ohio Northern* - A police officer suffered discipline after he went to the FBI and linked department higher-ups to a gambling ring - \$2,525,000 p. 5

**Medical Negligence** - *Florida Middle* - While an inmate was injured at jail, a prison nurse failed to identify his neurological injury, thereby leading to quadriplegia - Zero p. 12

**Premises Liability** - *IN Northern* - While shopping at Lowe's plaintiff was injured when a garage door fell from a shelf and struck him on the head - \$35,000 p. 13

**Prisoner's Rights** - *South Dakota* - A jail inmate was sexually abused by a guard - \$1,100,000 p. 10

**Sexual Harassment** - *Florida Middle* - In a wild case of alleged sexual misconduct, the plaintiff alleged her billionaire boss sexually harassed her - \$5,378,865 p. 7

**USERRA** - *Tennessee Eastern* - After returning from a second tour to Iraq, the plaintiff was fired - Zero p. 8

## Verdict of the Month

**Products Liability** - **In a single-vehicle roll-over, the window in plaintiff's SUV broke and her arm extended outside the vehicle – the arm was mangled and the plaintiff later had it amputated at the shoulder**

*Burns v. Ford Motor Company*, 5:06-5201

**Plaintiff:** Michael T. Gallagher and Russell Serafin, *Gallagher Law Firm*, Houston, TX and Raymond L. Niblock, *Niblock Law Firm*, Fayetteville, AR

**Defense:** De Martenson and S.A. Bradley Baker, III, *Huie Fernambucq & Stewart*, Birmingham, AL and Edwin L. Lowther, Jr. and Paul D. Morris, *Wright Lindsey & Jennings*, Little Rock, AR

**Verdict:** Defense verdict on liability

**Federal:** **Arkansas Western - Fayetteville**

**Judge:** Jimm Larry Hendren

**Date:** 2-20-08

*See Page 15*

## Federal Jury Verdict Report March 2008 Table of Contents

### *Employment Verdicts*

#### **Age Discrimination**

*Cammarata v. Port Authority - PA Western - Zero* p. 4

#### **Disability Discrimination**

*Ware v. Veterans Security - OH Southern - Zero* p. 4

#### **Employment Fraud**

*Stuart v. GM - IN Southern - \$3,105,261* p. 4

#### **Employment Retaliation**

*EEOC v. Rocket Enterprises - MI Eastern - Zero* p. 5

*Glass v. Atlantic City - New Jersey - \$861,400* p. 5

#### **First Amendment**

*See v. City of Elyria - OH Northern - \$2,525,000* p. 5

#### **National Origin Discrimination**

*Gonima v. Manatee County - FL Middle - Zero* p. 6

#### **Race Discrimination**

*Northington v. Welborn Clinic - IN Southern - Zero* p. 6

*Henderson v. Western Express - TN Middle - Zero* p. 6

*Alsobrook v. UPS - TN Western - Zero* p. 7

*Kearney v. Milwaukee County - WI Eastern - Zero* p. 7

#### **Sexual Harassment**

*Myers v. Siegel - FL Middle - \$5,378,865* p. 7

*Kurschinske v. Meadville Forging - PA Western - \$25,000* p. 8

#### **USERRA**

*Anderson v. Sanford Brands - TN Eastern - Zero* p. 8

### *Civil Rights (Non-Employment)*

#### **Civil Rights**

*McCullough v. Cumberland Co. - New Jersey - Zero* p. 8

*Stubblefield v. Hawkins County - TN Eastern - \$250* p. 9

#### **Excessive Force**

*McKinney v. Ball State - IN Southern - Zero* p. 9

*Arnold v. Curtis - Utah - Zero* p. 10

#### **Prisoner's Rights**

*Kahle v. Pennington County - South Dakota - \$1,100,000* p. 10

*Patterson v. Kerr County - TX Western - Zero* p. 10

### *Personal Injury/Tort*

#### **Breach of Contract**

*P.T. Karang v. Ritz Carlton - Maryland - \$10,382,304* p. 11

*Gunderson v. Davis-Frost - Oregon - \$1,300,000* p. 11

#### **Defamation**

*Bertram v. Federal Express - KY Western - For plaintiff* p. 11

#### **FELA**

*Edsall v. CSX - IN Northern - \$400,000* p. 12

#### **Jones Act**

*Williamson v. Horizon Lines - Maine - \$63,000* p. 12

#### **Medical Negligence**

*Daniels v. Prison Health - FL Middle - Zero* p. 12

#### **Premises Liability**

*Biekert v. Wal-Mart - IL Southern - Zero* p. 13

*Davidson v. Lowe's - IN Northern - \$35,000* p. 13

*Billiot v. Cove Mountain Realty - TN Eastern - Zero* p. 14

*Blade v. E-Z Mart Stores - TX Western - \$118,774* p. 14

### **Trademark Infringement**

*Grand Slam v. ISHA - AL Northern - \$2,000,000* p. 14

### *Products Liability*

*Burns v. Ford - LA Western - Zero* p. 15

*Campbell v. Polyguard Products - TN Western - Zero* p. 15