

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

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16 K.T.C.R. 1

Comprehensive Statewide Jury Verdict Coverage

Civil Jury Verdicts

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

Products Liability - The plaintiff suffered devastating abdominal and lower extremity injuries after being involved in a head-on collision with a drunk driver – the plaintiff blamed Nissan (the manufacturer of the SUV her husband was driving) and blamed her injuries on a combination of a seat belt defect and a collapsing seat – a Stanford jury found a defect and also assessed punitive damages of \$2.5 million against Nissan

Maddox v. Nissan, 10-82

Plaintiff: Richard W. Hay and Sarah Hay Knight, *Law Office of Richard Hay*, Somerset and Paul Long, Stanford
Defense: David T. Schaefer and Anne K. Guillory, *Dinsmore & Shohl*, Louisville

Verdict: \$6,182,210 for plaintiff assessed 70% to Nissan

Court: **Lincoln**, J. Tapp,
12-16-11

It was 6-6-09 and Amanda Maddox, then age 35 and a nurse, was a passenger with her husband, Dwayne. They were returning home after a night out for dinner. Dwayne was driving a 2001 Nissan Pathfinder on U.S. 127 near Don's Market just south of Junction City. Edward Sapp of Louisville approached from the opposite direction.

Sapp was drunk and driving on the wrong side of the road. Sapp struck the Maddox vehicle nearly head-on – his speed would later be measured at 60 mph. The Maddox SUV was traveling at some 37-40 mph. It was a significant collision. Sapp was killed.

Dwayne was hurt too – he suffered a heel fracture but otherwise walked away from the crash. Amanda was badly hurt. During the process of the collision and working in combination, her seat collapsed and the load limiter on her seat belt released too far. This allowed Amanda to submarine under her seat

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belt.

Her leg struck the dashboard and her femur was pushed back through her hip socket. This also affected her sciatic nerve and Amanda has a permanent foot drop. Her sternum, rib and pelvis were also fractured.

Amanda's most serious injury would be to her abdomen. At the time of the crash, Amanda was post-status after a gastric bypass. The crash disrupted this surgery and Amanda was hospitalized 130 days and underwent 75 surgeries. Her abdominal injury was grotesque and the wound remained open for some six

months. She still has an ugly scar.

Amanda's medical bills were \$1,249,210 and she sought \$50,000 more for future care. Her lost wages were \$80,000. A vocational expert (Ralph Crystal, Lexington) valued her impairment at \$1,053,000. She also claimed \$2.5 million each for both past and future suffering.

Amanda sued Nissan in this lawsuit and alleged the Pathfinder was defective regarding both its design and the failure to provide adequate warnings. Her theory focused that in testing the car's safety, Nissan's design was geared to

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January 2012
Table of Contents

Verdicts

Jefferson County

- UIM - *The plaintiff's pick-up flipped when a wheel from another vehicle came loose and crossed the interstate – a disc injury was claimed* - \$1,122,815 p. 5
- Auto Negligence/UIM - *An optometrist complained of a brain injury after a rear-end wreck* - \$22,885 p. 7
- Auto Negligence - *Medicals-No suffering result returned in the case of an icy rear-ender* - \$8,340 p. 9
- FELA - *A locomotive engineer linked a cumulative trauma injury to the rough operations of locomotives* - Defense verdict p. 9
- Bus Negligence - *A bus passenger was knocked to the floor board when the bus driver took off too quickly* - Defense verdict p. 10
- Auto Negligence - *A defendant successfully blamed an interstate rear-ender on suddenly stopping traffic* - Defense verdict p. 10

Lincoln County

- Products Liability - *The plaintiff blamed serious injuries on a seat belt defect in a Nissan SUV* - \$6,182,210 p. 1

Pike County

- Medical Negligence - *A family doctor was blamed for not ordering a CT scan after an elderly Alzheimer's patient showed signs of a subdural hematoma* - Defense verdict p. 5

Warren County

- Medical Negligence- *In a cholecystectomy gone bad, the plaintiff tried her case for a third time after a prior defense verdict (appellate trip) and a mistrial – again the jury returned a defense verdict and rejected the claim* - Defense verdict p. 6

Fayette County

- Premises Liability - *The plaintiff slipped on a wet floor at Burger King and suffered a serious knee injury* - Defense verdict p. 6
- Auto Negligence - *A rear-end crash in Lexington resulted in a claimed disc injury* - \$66,398 p. 10

Kenton County

- Whistleblower Act - *A building code inspector was sacked after he refused to certify a commercial building that lacked operational fire alarms* - \$76,260 p. 7

Hardin County

- Pesticide Farm - *Thousands of premium Christmas trees were damaged by drifting pesticide from a neighboring farm* - Defense verdict p. 7

Christian County

- Auto Negligence - *A minor parking lot crash that occurred at Ft. Campbell resulted in a threshold verdict* - Threshold p. 8

Federal Court Covington

- Excessive Force - *A jail inmate was roughly tackled in a jail cell and suffered a serious elbow fracture* - Defense verdict p. 8

Logan County

- Medical Negligence - *The plaintiff's bladder was injured during a hysterectomy – she blamed her Ob-Gyn for failing to make a timely diagnosis of that injury* - Defense verdict p. 9

A Notable Out of State Verdict (Involving a Ky. Attorney)

Huntington, West Virginia (Federal Court)

- Products Liability - *The plaintiff alleged an orthopedic plate in her elbow failed and led to an additional repair surgery* - Defense verdict p. 11