

Kentucky Trial Court Review

January 2022

Table of Contents

Verdicts

Jefferson County

Consumer Protection - The plaintiff rented a storage unit when she moved from an apartment and it held a lifetime of personalty including furniture, pictures and family heirlooms – while she was current under her contract, the storage company entered her unit and auctioned all the contents for \$50 – the woman sued and alleged a Consumer Protection violation seeking both damages for her personalty (limited to \$5,000) as well as sums for emotional distress and the imposition of punitive damages - \$30,000 p. 3

Auto Negligence - A route driver for a vending company rear-ended the plaintiff at a red light – the collision was minor, but aggravated a pre-existing cervical condition and was linked to a later fusion surgery – in this lawsuit the plaintiff sought not only her compensatory damages, but also the imposition of punitives which were predicated on the negligent hiring of the route driver who had a history of some 31 moving violations – the jury didn't get that far and rejected the case on causation - Defense verdict p. 7

Boone County

Employment Retaliation - A private pilot working full-time for a hotel company was asked to fly to the Caribbean to take insurance adjustors to evaluate hurricane damage at a company hotel – while that hurricane had passed, another was on the way and the pilot balked citing safety concerns – the company thought it was safe to fly and fired the pilot – the pilot sued and alleged the firing violated public policy, i.e., pilots are in command and make safety decisions – a jury in Burlington found for the plaintiff and awarded nearly \$1,990,833 in damages including \$1.3 million in punitives - \$1,990,833 p. 1

Franklin County

Race Discrimination - A black deputy sheriff in Frankfort (he worked court security) alleged he was paid less than white comparators in the office – the sheriff defended that the deputy had the third highest salary in the department (behind the sheriff himself and the chief deputy) and suffered no discrimination - Defense verdict p. 5

Hardin County

Premises Liability - A Red Lobster patron suffered a lumbar transverse fracture when a stall door in the bathroom fell upon her – Red Lobster conceded this happened but denied fault in that it had no notice that the door had a hidden “falling off the hinges” defect - Defense p. 8

Pike County

Underinsured Motorist - Mother/daughter plaintiffs treated for herniated disc injury after a right-of-way collision – the plaintiffs settled with the tortfeasor for his \$100,000 policy limits and then UIM coverage from two carriers – the jury awarded special damages (medicals) but rejected pain and suffering, the jury's verdict failing to exceed the floor of UIM coverage - \$37,959/\$25,000 p. 9

McCracken County

Premises Liability - The plaintiff slipped on black ice at a Paducah mall parking lot and suffered a mild brain injury – she blamed the fall on freezing rain that had puddled to create a hidden hazard – the mall replied that it had acted reasonably to clear the parking lot, the hazard apparently being caused by run-off that refroze after an earlier salting - \$86,750 p. 10

Federal Court - Louisville

Underinsured Motorist - The plaintiff suffered a tendon injury and ankle fracture in a significant rear-end crash – then months later when he began to bear weight as he walked, he realized he'd also suffered a knee injury – settling with the tortfeasor for \$50,000, he sought UIM benefits from his insurer – the insurer mostly conceded the ankle injury but contested the knee injury - \$74,119 p. 10

Rowan County

Auto Negligence/UIM - There was no dispute that the defendant crashed into the plaintiff who was stopped in traffic – the key issue was whether the defendant's brakes had suddenly failed - Defense verdict p. 11