

# Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

December 2013

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*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.

**Tree Negligence - A teenage girl and a cousin were struck by a falling tree – the girl was killed and so too was her viable in-utero son (26 weeks along) who was delivered via c-section – in this lawsuit against the local housing authority (regarding its inspection of the tree) the estates of the mother and child both sought damages as well as cousin who was also injured by the falling tree**

*Griffin et al v. Housing Authority of Somerset, 10-1642*

Plaintiff: Michael F. Eubanks, *Shumate Flaherty Eubanks & Baechtold*, Richmond, Jane A. Venters, *Adams & Venters*, Somerset and Nicholas A. Vaughn, Somerset

Defense: Frank Hampton Moore, II and Frank Hampton Moore, III, *Cole & Moore*, Bowling Green

Verdict: \$1,761,486 for Kaitlyn Estate, \$1,754,792 for Nicholas estate and \$220,000 for Thacker

Court: **Pulaski, J. Tapp**,  
10-24-13

On the afternoon of 12-9-09, Kaitlyn Griffin, then age 17, was a high school senior. A good student and a cheerleader, she was scheduled to graduate that Spring. The girl was hopeful to attend to college the following Fall.

Kaitlyn was also pregnant. She was 26 weeks pregnant with a baby boy (Nicholas) and was busily expecting his birth. The boy's father is Jason Steele.

That afternoon she stood outside an apartment rented by her parents from the Housing Authority of Somerset. It was located within Colonial Village. She was joined by a cousin, Joshua Thacker.

This same day a rare meteorological phenomena was brewing in the Midwest. So-called clear sky non-thunderstorm high winds were moving through. Wind speeds in Somerset reached speeds of nearly 50 mph.

A wind gust felled a large red maple tree – the tree was more than three feet in diameter. It fell and struck both Kaitlyn and Joshua. Kaitlyn was immediately left unconscious and died soon after. Her baby boy was delivered by c-section, hospital staff working feverishly to save the boy. Nicholas did not survive, but there was proof the boy was viable but for the tree falling and striking Kaitlyn. Thacker too was hurt, suffering a shoulder injury and

a cut to his head.

In this lawsuit prosecuted by the two estates (Kaitlyn and Nicholas) as well as Thacker individually, negligence was alleged by the Housing Authority in its maintenance of the premises. The liability theory, advanced by an arborist, Ian Hoffman (of Big Beaver Tree Service in Nicholasville) developed that the red maple tree had a co-dominant trunk – this tree featured two similarly sized stems growing from the same trunk.

In this instance Hoffman explained, a tree is likely to fall. Had the Housing Authority have inspected its property and the trees on it with a competent arborist, the defect would have been identified.

If Kaitlyn's estate prevailed it sought her medical bills of \$5,145 and \$11,241 for the funeral. Her destruction was valued at \$1,812,735 by Bentley Hankins, Vocational Expert, Jonesborough, TN. Her parents also sought their consortium

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