

# Kentucky Trial Court Review

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### Verdicts

#### Jefferson County

Car Dealer Negligence - An elderly woman suffered a broken hip when just before a test drive of an Audi automobile, the salesman exited the vehicle before it was in park – it then lurched forward and knocked the woman down – the case was tried on damages only and the woman (now 90 and having lost her independence because of the injury) took her medicals of \$120,879 and \$500,000 more for her pain and suffering - \$620,879

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Medical Negligence - A teenage girl (living at a state-operated group home) was treated at an ER for a cutting incident and was evaluated by a social worker for a mental health admission – the social worker concluded the girl was not suicidal and returned her to the group home – eleven days later the girl died by suicide as she hung herself at the group home – in this lawsuit the girl's estate settled with the group home and went to trial against the social worker alleging she had admitted the girl for mental health treatment and the suicide could have been averted - Defense verdict

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#### Fayette County

Medical Negligence - The plaintiff was treated with laser light therapy (Intense Pulse Light - IPL) to ameliorate acne scarring on her shoulders – the nurse who administered the IPL did so at a too intense level which caused the plaintiff to suffer significant and very painful first and second degree burns on her back which resulted in even more significant scarring than before the treatment began – tried on damages only the plaintiff took \$150,000 for her pain and suffering - \$150,000

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#### Federal Court - Louisville

Negligent Supervision - A teenage girl on her first night in a juvenile detention center died of a sudden cardiac event – her estate alleged that jail officials performed bed checks as required (they didn't perform them and faked that they had) there was time to intervene and treat the condition – the estate also blamed jail officials for a rough intake which also linked to triggering the cardiac event – the intake defendants were exonerated, the jury returning a hung jury as to the "fake bed check" defendants - Mixed verdict (Defense verdict as to several defendants and hung jury as to two others)

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#### Federal Court - Louisville

Contract/Trade/Defamation - A former major league pitcher licensed his "pitching" program to a company that trains pitchers and then sued when the licensee failed to make payments – the licensee counterclaimed that the pitcher defamed it by writing to coaches that the licensee's program was injuring pitchers – a federal jury sorted out numerous counts and counterclaims and awarded each party damages - Mixed Verdict

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#### Perry County

False Imprisonment - After passing a very damaged but legitimate \$100 bill at Wal-Mart, the plaintiff alleged she was falsely imprisoned for some 15 or 20 minutes as the store investigated and called the police – Wal-Mart defended the plaintiff was free to go at anytime and could have just abandoned her \$100 – interestingly the plaintiff's false imprisonment ended when she was arrested on an unrelated warrant that came up during a name check as the police considered if the bill was real-Defense

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#### Clark County

Medical Negligence - The defendant, an orthopedist, was blamed not just for botching the technical performance of a hip replacement but also for being intoxicated at the time – there was proof the doctor was removed from practicing two days later after his colleagues suspected he was impaired – the doctor denied fault or that there was any evidence he was impaired at the time of the plaintiff's surgery – the jury imposed punitive damages of \$325,000 against the doctor - \$760,827

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#### Calloway County

Medical Negligence - The plaintiff linked a stroke and related complications to a surgeon's placement of a catheter (to administer antibiotics) into an artery as opposed to a vein – the doctor denied the erroneous placement (citing X-ray scans) and in any event, the plaintiff had multiple risk factors for stroke - Defense verdict

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