

Kentucky Trial Court Review

March 2022

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Verdicts

Jefferson County

Auto Negligence - The defendant's foot slipped off of the brake and a minor rear-end collision resulted – the jury found the defendant at fault but rejected the case on causation - Defense verdict p. 9

Franklin County

Medical Negligence - The plaintiff was treated at a hospital clinic for shortness of breath and chest tightness – an APRN correctly ordered a STAT x-ray to evaluate the plaintiff's condition – however a hospital radiology technician entered it as routine and the plaintiff was sent home after the x-ray was performed – he died five hours later before the x-ray was read – his estate blamed the death on undiagnosed pneumonia (it was revealed on the x-ray the next day) and blamed the technician for coding the x-ray as routine – the hospital admitted fault but defended on causation that the plaintiff had died of an unrelated cardiac condition - Defense verdict subject to \$2.5 million-\$500,000 Hi-Lo Agreement p. 1

Floyd County

Auto Negligence - The plaintiff complained of a rotator cuff tear and other soft-tissue injuries after a rear-end crash – a Prestonsburg jury awarded her medical bills of \$13,375 and \$139,000 more (an odd number) for her pain and suffering, that representing a 10.392 multiplier - \$198,242 p. 3

Federal Court - Lexington

Civil Rights - As the plaintiff was in the midst of an apparently Ambien-fueled manic event, his wife called 911 – it was alleged a KSP sergeant arrived and shot the plaintiff (mortally wounding him) in his pick-up within a minute of arriving in front of his wife and teenage son – in this lawsuit the estate alleged excessive force by the trooper who shot the plaintiff through the side window of the plaintiff's pickup truck – the case was resolved by the jury on the issue of qualified immunity which made a factual finding that the trooper had an "objectively reasonable" belief the plaintiff posed a danger to him or the public - Defense verdict p. 4

Fayette County

Auto Negligence - The plaintiff suffered serious injuries (multiple fractures and lacerated spleen among others and a passenger in his car was killed) in a catastrophic crash when he pulled from a horse farm drive onto Paris Pike – this Lexington jury found the plaintiff 90% at fault for the wreck and awarded him \$147,882 in special damages – however it rejected any award for the plaintiff's pain and suffering - \$147,882 p. 6

Boyle County

Medical Negligence - A urologist was criticized for his use of a Uro-Lift implant to treat an enlarged prostate that resulted in a poor outcome, notably leaving the plaintiff catheter-dependent (seven times a day or so) to urinate – the doctor defended that a Uro-Lift was appropriate and described the poor result as an unfortunate complication - Defense verdict p. 7

Federal Court - Louisville

Amusement Negligence - An eleven year old girl suffered a serious ankle fracture in a trampoline amusement accident when another patron jumped on her leg – the case was certified to the Kentucky Supreme Court on the question of whether a pre-injury liability release applied to a minor – the court said it did not but a pyrrhic victory of sorts, the jury rejected the case on liability and the girl took nothing at trial - Defense verdict p. 8

Daviess County

Auto Negligence - A motorcyclist (on a Ducati) pulled from an inferior drive and was rear-ended as the defendant changed lanes – he suffered a broken elbow and hip in the crash – the defendant cited the motorcyclist suddenly pulled into his path - Defense verdict p. 9

Hardin County

Amusement Negligence - The plaintiff (a grandmother at her grandson's birthday party) suffered serious injuries including a TBI and broken ribs when she fell down the stairs of an emergency exit door in the middle of a dimly lit "laser tag" attraction – she alleged the door was poorly marked and when she opened the door, she believed it was all part of the fun – the attraction replied that the plaintiff had a flashlight and an illuminated vest and as importantly that she was warned of the hazard - Defense verdict p. 10