

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

May 2017

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Civil Jury Verdicts

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Auto Negligence - Husband and wife plaintiffs were seriously hurt (their daughter suffered minor injuries) in a multi-car collision – the plaintiffs primarily blamed a police officer (he died in the wreck) who they alleged was speeding, that excessive speed being the primary factor in causing the collision – the police denied their officer was speeding and blamed the crash on yet a third driver who pulled out into the path of the officer – a Lancaster jury sorted it out and assessed fault 70% to the officer, 29% to the other driver and just 1% to the plaintiff

Abraham v. Nicholasville Police et al,
15-3796

Plaintiff: Thomas K. Herren, *Herren & Adams*, Lexington

Defense: Daniel E. Linneman and Jeffrey C. Mando, *Adams Stepner Woltermann & Dusing*, Covington for Nicholasville Police and Rhoads David A. Shearer, Jr., Garvey Shearer Nordstrom, Fort Mitchell for Gordon

Verdict: \$1,562,605 for Sean, \$407,010 for Nisreen and \$29,994 for Zainna assessed 70% to Rhoads and 29% to Gordon

Court: **Garrard**, J. Daugherty,
4-17-17

Early on the morning of 3-11-15, Burke Rhoads, a veteran police officer with the City of Nicholasville,

was driving south on U.S. 27 near the Garrard-Jessamine county line. He was headed to Richmond for training. There was proof there was both low light at dawn and heavy fog in the area. U.S. 27 is near the Kentucky River at this location and fog is common. The roads were also wet.

At the same time, Sean Abraham of Lancaster was driving north towards Lexington on U.S. 27. He and his wife (Nisreen) were headed to work at their restaurant, Zainna – it served Mediterranean cuisine. [The Abrahams are U.S. citizens – he is from Kuwait and she is of Jordanian descent.] Their young daughter, Zainna (after whom the restaurant was named) was a backseat passenger in their Cadillac SUV.

The third party in this case was Chasity Gordon. Gordon, a local bookkeeper, was on her way to work

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Thomas K. Herren for the plaintiff
in Lexington. She had come from the inferior Rogers Road to U.S. 27 and

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Garrard County

Auto Negligence - Husband and wife plaintiffs were seriously hurt (their daughter suffered minor injuries) in a multi-car collision – the plaintiffs primarily blamed a police officer (he died in the wreck) who they alleged was speeding, that excessive speed being the primary factor in causing the collision – the police denied their officer was speeding and blamed the crash on yet a third driver who pulled out into the path of the officer - \$1,999,609 p. 1

Whitley County

Medical Negligence - A stay-at-home mom (age 22) of three young children had a cardiac event and the resulting anoxic period that left her with a catastrophic and disabling brain injury – the cardiac event occurred just after she took an antibiotic and a day after she was released from the hospital – in this complex case, the plaintiff linked the cardiac event to a combination of a low potassium level (she blamed hospital nurses for this) and the interaction with the antibiotic (prescribed by her hospitalist), all of which caused the cardiac event - Defense verdict p. 4

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Medical Negligence - The plaintiff went to the ER with a severe headache – a CT scan was read as negative (there were indications of an old bleed in the scan) and the plaintiff was discharged a few hours later with the diagnosis of a headache – the plaintiff collapsed 12 days later in court from a ruptured brain aneurysm that left her with a permanent injury - \$8,268,621 p. 8

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Underinsured Motorist - The plaintiff complained of a mild brain injury and other soft-tissue symptoms after a rear-end crash in Florida – the plaintiffs settled with the Florida tortfeasor for his \$50,000 policy limits and sought UIM damages in Kentucky from their insurer - \$85,000 p. 9

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Auto Negligence - An ATV driver on a country road signaled a left turn – a college student in a sedan behind the ATV driver thought the signal was for him to pass – as the student passed, there was a collision and the ATV driver sustained soft-tissue injuries – the jury found both parties equally at fault, but rejected any award of damages - Defense verdict p. 10

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Employment Due Process - A road foreman alleged a local fiscal court fired him without adequate due process - Defense verdict p. 10

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