

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

May 2023

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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.

Underinsured Motorist - An elderly widow (age 73) sustained a rotator cuff injury and humeral fracture in a red light crash – she settled with the tortfeasor for his \$100,000 limits and then sought UIM coverage (those limits were \$50,000) against her insurer – the plaintiff blew past the ceiling of coverage (\$160,000 with PIP) as the jury awarded her \$545,000 for her pain and suffering

Doyel v. State Farm, 18-162

Plaintiff: William J. Williford, *Breen & Williford*, Bowling Green

Defense: Michael K. Bishop, *Michael & Bishop & Associates*, Bowling Green

Verdict: \$545,000 for plaintiff

Court: **Warren**

Judge: John Grise

Date: 4-13-23

Jo Ann Doyel, then age 73 and a widow, was crossing Campbell Lane in Bowling Green near the Greenwood Mall on 11-19-15. Doyel had a red light. It turned green and she carefully started across the intersection.

At the same time Thomas Nesblett approached the same intersection on Campbell. He would recall the light for him was yellow or had just turned red. In any event he entered the intersection and broadsided Doyel's sedan. It was a hard hit.

Independent witnesses would confirm that Nesblett ran the light and fault was no issue.

Doyel was hurt in the crash and was transported from the scene to a local ER. She suffered a rotator cuff injury and humeral fractures that were described separately as a Bankart fracture and a Hills-Sachs fracture. Doyel elected not to have surgery on the rotator cuff injury and the fractures could not be surgically repaired. These injuries were not disputed.

Doyel additionally underwent a cubital release surgery in December of 2018. A plaintiff's IME, Dr. James Farrago, Physical Medicine, Bowling

Green, confirmed that this surgery was related to the crash. Doyel incurred medicals (not sought) of approximately \$36,000.

Doyel moved first against Nesblett. He paid his \$100,000 policy limits and went his way. Doyel then sought UIM coverage from her carrier, State Farm. The policy limits were \$50,000. Doyel's only element of damages was pain and suffering. The instructions limited her award to \$2,000,000.

As the case proceeded to trial, the floor of coverage (where State Farm's limits would be implicated) was \$110,000, representing the policy and



Doyel's vehicle after the crash

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Jefferson County

Medical Negligence - An ER doctor was blamed for failing to diagnose an aortic dissection and thereby missing an opportunity for a life-saving surgery – the doctor replied his diagnosis of an acute coronary condition was reasonable and it was very unlikely based on the presentation that the plaintiff's symptoms were related to a dissection -

Defense verdict p. 2

Dram Shop/Civil Battery - The plaintiff, a woman who sold technical surgical products, arrived at the downtown Marriott in Louisville and had a drink – she struck up conversation with a fellow guest and there was proof a bartender served both after they were clearly intoxicated – the woman alleged the man drugged her with a laced cigarette and then raped her in his hotel room – she later sued the hotel on a Dram Shop theory (it prevailed at trial) and the man for Civil Battery regarding the rape and took \$1.171 in damages against him – the trial lasted two weeks and the jury deliberated over three days before reaching the verdict - Defense verdict on Dram Shop and \$1,171,000 for plaintiff on Civil Battery p. 6

Warren County

Underinsured Motorist - An elderly widow (age 73) sustained a rotator cuff injury and humeral fracture in a red light crash – she settled with the tortfeasor for his \$100,000 limits and then sought UIM coverage (those limits were \$50,000) against her insurer – the plaintiff blew past the ceiling of coverage (\$160,000 with PIP) as the jury awarded her \$545,000 for her pain and suffering - \$545,000 p. 1

Fayette County

Utility Negligence - A construction contractor doing demolition work at a construction site drove his dump truck onto an artificial ramp of demolition fill (it was raised 7 feet into the air) and his truck came in contact with an energized KU line when he raised the bed of the dump truck – the contractor was electrocuted – his estate alleged KU violated the highest duty of care in while it knew the construction project was underway and there was a risk of harm, it did nothing to ameliorate that risk - Defense verdict p. 4

Disability/Race Discrimination - A grounds keeper (he's black) for the school board alleged, (1) he was denied a demotion because of a perceived disability, and (2) he was a victim of a hostile race environment – the jury found for him on the race claim and awarded \$150,000 in damages - \$150,000 p. 10

Hardin County

Auto Negligence - The plaintiff treated with a chiropractor for soft-tissue symptoms after a minor-to-moderate rear-ender – an Elizabethtown jury awarded her pain and suffering of \$40,000 which was 3.02 times her medical bills - \$55,687 p. 8

McCracken County

Auto Negligence - A bicyclist was rear-ended by the defendant (in a pick-up truck) and suffered rib fractures and other injuries – the defendant denied fault and cited proof the wreck happened after dark on a poorly lit street and as importantly, the plaintiff's bicycle didn't have a tail light - Defense verdict p. 9

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