

# Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

June 2014

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## Civil Jury Verdicts

Complete and timely coverage of civil jury verdicts including circuit, division, presiding judge, parties, case number, attorneys and results.

**Medical Negligence - The plaintiff died of complications after a bariatric surgery – her estate alleged not just technical error by her surgeon, but also that the aggressively-marketed bariatric program should never have been instituted at the hospital in the first place – a Somerset jury found for the estate and awarded \$8,000,000 in non-economic damages, the decedent taking \$2,000,000 for her suffering and her husband and two children taking the same sum for their consortium interests**

*Dixon v. Husted et al*, 10-1363  
Plaintiff: Ann B. Oldfather, Sheldon L. Haden and Megan J. Hastings, *Oldfather Law Firm*, Louisville  
Defense: Sean Ragland and Nicholas R. Hart, *Phillips Parker Orberon & Arnett*, Louisville for Husted  
B. Todd Thompson, Millicent A. Tanner and Chad O. Propst, *Thompson Miller & Simpson*, Louisville and John G. Prather, Jr., Somerset for Lake Cumberland Regional Hospital  
Clayton L. Robinson and Adam W. Havens, *Robinson & Havens*, Lexington for Wooldridge  
Verdict: \$10,658,265 for plaintiff assessed 60% to Lake Cumberland and 40% Husted; Defense verdict on liability for Wooldridge  
Court: **Pulaski**, J. Burdette, 3-25-14

Pamela Dixon, age 39 and of Pine Knot, was morbidly obese in 2009.

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Dixon served as a music teacher in the school system. She was also the music director at the church where her long-time husband (Bruce) was the pastor. They had two teenage children, Caleb and Cortney. The evidence was that Dixon was a beloved member of her community.

That same year Lake Cumberland Regional Hospital was marketing a bariatric surgery program. The

surgeries were being conducted by a surgeon, Dr. John Husted. Dixon consulted with the so-called Commonwealth Bariatric Center in April of 2009. She went through a battery of tests and it was concluded she was a good candidate.

The surgery (a laparoscopic gastric bypass roux-en-y) was performed by Husted at the hospital on 12-7-09. It seemed uneventful. The next day

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