

Kentucky Trial Court Review

July 2022

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Verdicts

Jefferson County

Medical Negligence - The plaintiff coded after his tracheotomy tube became dislodged – he suffered a massive brain injury during the code and died a week later when support was withdrawn – his estate alleged hospital nurses failed to properly monitor him during an asphyxiation event when he was just eleven feet from a nurse’s station – the plaintiff received a spoliation instruction regarding missing cardiac rhythm records from during the code - \$3,913,178 p. 1

Auto Negligence - The plaintiff, a well-known folk singer and dancer, complained of soft-tissue symptoms after an “at speed” rear-end crash on I-64 at the Watterson - \$38,290 p. 8

Auto Negligence - The plaintiff complained of a disc injury after a rear-ender – the jury awarded a quarter of the claimed medical bills (equal to the EMS and ER bill) but nothing more - \$7,463 p. 10

Nelson County

Skating Rink Negligence - The plaintiff skated from a roller rink to the bathroom and tripped over a dip that separated a hallway from the bathroom – in the resulting fall the plaintiff suffered a broken ankle, elbow and wrist – there were fact disputes about whether a skating rink employee who was posted to warn about the dip had actually warned the plaintiff about it - Defense p. 2

Christian County

Truck Negligence - A trucker’s rig became disabled and lost power after it crashed into the median on I-24 – in that condition it was still partially blocking the road when the plaintiff (a passenger) suffered injuries when her driver crashed into the disabled truck – the plaintiff suffered a rotator cuff tear and a broken elbow – the plaintiff prevailed at trial and took damages totaling \$700,000 (including \$350,000 for pain and suffering) but it was still less than the defense offer of judgment in the sum of \$850,000 - \$700,000 p. 4

Fayette County

Medical Negligence - An orthopedist was blamed for a technical error in injuring the plaintiff’s sciatic nerve during a hip replacement surgery in 2007, the plaintiff complaining of a permanent foot drop – a defense verdict was returned at a first jury trial in 2016 – the matter was reversed on an instruction error by the Court of Appeals in 2018 and returned for a second trial four years later and nearly fifteen years after the original surgery - Defense p. 5

McCracken County

Medical Negligence - The plaintiff was treated and released at a Paducah ER by an APRN for apparent back pain – hours later the plaintiff was dead of a heart attack – his estate alleged the APRN erred in failing to order an EKG and otherwise consider a cardiac etiology - \$3,009,877 p. 6

Kenton County

Auto Negligence - The plaintiff complained of a mild TBI and soft-tissue symptoms after a rear-ender – a Covington jury awarded the plaintiff a portion of the plaintiff’s medical bills and nothing more - \$4,552 p. 7

Federal Court - Louisville

FMLA Retaliation/Sex Discrimination- The manager of a used truck dealership alleged she was fired because of a combination of FMLA retaliation (she took leave for several medical conditions) and her gender – the company replied she was let go because of poor performance - Defense p. 9

Laurel County

UIM - Husband and wife plaintiffs were injured after a rear-ended as they were entering the Mountain Parkway – they each settled with the tortfeasor for his \$25,000 limits and then sought UIM coverage from their carrier - \$151,811/\$16,050 p. 10

Montgomery County

Auto Negligence - A disputed red light case in downtown Mt. Sterling was resolved for the defendant on liability – the plaintiff had argued that even if her driver had run the light, the defendant still broadsided their vehicle and thus deserved some blame - Defense p. 11