

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

September 2014

Published in Louisville, Kentucky Since 1997

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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.

Products Liability - A coal miner had his leg amputated below-the-knee after it became caught in a high-wall mining system – the case was tried as a summary jury trial in one day, the plaintiff's pain and suffering being valued at \$5,000,000
Smith v. Joy Mining Machinery,
6:11-270

Plaintiff: Lawrence L. Jones, II and R. Lauren Horner, *Jones Ward*,
Louisville and R. Scott Wilder, *Gambrel & Wilder*, London
Defense: Larry C. Deener and Elizabeth A. Deener, *Landrum & Shouse*, Lexington

Verdict: \$7,732,305 for plaintiff assessed 60% to the defendant (Summary Jury Trial)

Federal: **London**, J. Ingram,
8-4-14

Anthony Smith, age 40, worked as a coal miner for Infinity Energy at its Bledsoe, KY coal mine in Harlan County on 10-29-10. His foot became caught between a platform and the conveyor car guide rail. He suffered a severe crush injury to his foot.

Initially Smith's foot was amputated. He later underwent a second surgery to amputate his lower leg. While Smith now has a prosthetic leg, he continues to suffer from phantom pain and PTSD. The sole breadwinner for his family, the injury was devastating for Smith.

In this products liability lawsuit he

blamed his injury on the design of the so-called high-wall mining system that was used at Infinity. It had been manufactured in 1993 by Joy Mining and changed hands several times before ending up at Infinity Energy.

Smith's liability expert, Kenneth

Blundell, Engineer, was critical of the mining system for not having an alarm or light system to warn when the conveyor was in use. Blundell also believed the system needed both a toe guard and an emergency stop button. Had these safeguards been

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September 2014
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