

# The Tennessee Jury Verdict Reporter

The Most Current and Complete Summary of Tennessee Jury Verdicts

December, 2004

Statewide Jury Verdict Coverage

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## Unbiased and Independently Researched Jury Verdict Results

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### Civil Jury Verdicts

Timely coverage of civil jury verdicts in Tennessee including court, division, presiding judge, parties, case number, attorneys and results.

### Go-Cart Negligence - At a poorly supervised go-cart track, plaintiff's foot was partially amputated when an out-of-control driver landed on his go-cart

*Burnett v. Riverside Raceway*, 03-433

Plaintiff: W. Zane Daniel, *Daniel & Oberman*, Knoxville

Defense: Donald D. Howell, *Frantz McConnell & Seymour*, Knoxville

Verdict: \$1,500,000 for plaintiff

County: **Sevier**

Judge: O. Duane Slone  
8-11-04

On the evening of 7-6-02, the smell of racing was in the air in Pigeon Forge. At Riverside Raceway, operated by Perry Development, a group of amateur drivers took the wheels of go-carts at the starting line. Not real racing actually, the participants paid Riverside Racing to go around the sprint track several revolutions.

One of those racers was Travis Burnett, then age 20. For several laps, Burnett noticed that several other racers in his group were engaged in horseplay. That included bumping one another recklessly. Riverside Raceway did nothing to stop the erratic driving.

On the fateful fourth lap, two

reckless drivers collided -- one went airborne. That go-cart landed on top of Burnett's go-cart. Burnett's left foot took the brunt of the blow. Sustaining a serious crush injury, half his foot was later amputated. Plaintiff's injuries were treated by Dr. Scott Smith, Orthopedics, Knoxville.

In this lawsuit, Burnett sought damages from Riverside Raceway, criticizing its failure to supervise the race. Particularly, nothing was done to discourage reckless participants on the track -- in fact, no employees were even watching the track. Riverside Raceway defended the case and denied fault, blaming the nature of go-cart racing, not its conduct.

This case was tried for two days in Sevierville. Burnett prevailed, the jury finding for him on both negligence and causation. Then to damages, he took \$45,000 for past medicals, another \$50,000 for in the future. Lost wages were \$5,000.

Moving to non-economic damages, Burnett was awarded \$200,000 for past suffering, \$50,000 more for in the future. Permanent impairment was also \$50,000. He took the same sum for both past and future loss of ability to enjoy life. The largest element of damages was disfigurement, the panel valuing this category at \$1,000,000. The verdict for Burnett totaled \$1,500,000. A consistent judgment followed.

Riverside Raceway subsequently moved for a new trial and/or for remittitur, calling the award excessive and beyond the range of reasonableness. The motion was denied.