

The Tennessee Jury Verdict Reporter

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January 2010

Statewide Jury Verdict Coverage

7 TJVR 1

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In This Issue

Davidson County

Truck Negligence - \$13,200 p. 7
Auto Negligence - Defense verdict p. 8
Auto Negligence - \$16,088 p. 9

Shelby County

Auto Negligence - Defense verdict p. 6
Medical Negligence - Defense verdict p. 8

Putnam County

Medical Negligence - Defense verdict p. 1

Monroe County

Hospital Negligence - Defense verdict p. 2

Campbell County

Auto Negligence - \$710,000 p. 2

Knox County

Premises Liability - Defense verdict p. 5
Auto Negligence - Defense verdict p. 6
Tow Truck Negligence - \$212,500 p. 7
Legal Negligence - \$30,000 p. 10

McMinn County

Auto Negligence - \$1,111,732 p. 5

Fentress County

Auto Negligence - \$305,000 p. 5

Anderson County

Auto Negligence - \$5,380 p. 6
Employment Retal - Directed verdict p. 9

Williamson County

Auto Negligence - Defense verdict p. 6

Wilson County

Truck Negligence - Defense verdict p. 7
Auto Negligence - \$6,991 p. 10

DeKalb County

Intentional Tort - \$205,800 p. 8

Sumner County

Auto Negligence - \$30,000 p. 9

Morgan County

Auto Negligence - \$15,000 p. 9

Civil Jury Verdicts

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

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Medical Negligence - An elderly woman suffered a serious tracheal injury during a surgery to remove an intrathoracic goiter

Hensley v. Cerza, 06-N-166

Plaintiff: Nader Baydoun and Stephen C. Knight, *Baydoun & Knight*, Nashville and W. Scott Rose, *MG Law*, Nashville
Defense: Heidi A. Barcus, *London & Amburn*, Knoxville and Donald W. Darby, *Darby & Gazak*, Louisville, KY

Verdict: Defense verdict

Court: **Putnam**

Judge: John J. Maddux, Jr.
3-9-09

Jean Hensley, then age 74, underwent a surgery on 3-29-04 to remove an intrathoracic goiter. The surgery was performed by Dr. Robert Cerza of Cardiac Anesthesia Services at Cookeville Regional Medical Center. As Cerza attempted to intubate Hensley, her trachea was injured.

The condition was grave and while Hensley's trachea was repaired, she remained unconscious for nine weeks. She then went through a course of in-

patient rehabilitation and was not released from the hospital until July. Hensley has a permanent scar, as well as persistent coughing. Her voice is also affected – it is now unnaturally high-pitched.

In this lawsuit, Hensley alleged negligence by Cerza in injuring her trachea. Particularly, she was critical of Cerza for using too much force to pass the tube (which was too large as well), for failing to take adequate protections and finally for not altering his plan when trouble arose. The expert for Hensley was Dr. Dennis Doblar, Anesthesia, Birmingham, AL.

Cerza defended that his care was proper and that the simple fact that Hensley's trachea was injured did not equate to negligence. He also noted that once this complication developed, he properly responded to the emergency, his care saving her life. Defense experts were Dr. Alex Woodruff, Anesthesia, Ashland, KY, Dr. James Bailey, Anesthesia, Gainesville, GA and Dr. Francis Robicsek, Cardiothoracic Surgery, Charlotte, NC.

This case was tried for a week in Cookeville. The verdict was for Cerza