

# The Tennessee Jury Verdict Reporter

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November 2019

Statewide Jury Verdict Coverage

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**Premises Liability - The plaintiff suffered an L5-S1 disc rupture after being struck by an employee-pushed shopping cart at Costco – the jury awarded her medicals of \$278,140 and \$50,000 more for pain and suffering (totaling \$320,140) less 40% comparative fault – the plaintiff moved for a new trial and/or additur, the defense sought a new trial and/or remittitur and the trial court ultimately granted the defense motion for a new trial acting as the 13<sup>th</sup> juror**

*Jackson v. Costco, CT-000201-17*

Plaintiff: Duncan E. Ragsdale, Memphis and William R. Bruce, Memphis

Defense: Karen S. Koplton and Jerry O. Potter, *Harris Shelton Hanover Walsh*, Memphis

Verdict: \$320,140 for plaintiff less 40% comparative fault

Court: **Shelby**

Judge: Felicia Corbin-Johnson

Date: 2-7-19

Glenya Jackson, age 42, shopped on 12-31-12 at a Costco location in Memphis. As she prepared to check-out, she was struck in the back by a shopping cart pushed by a store

employee. The impact was not enough to knock Jackson down, but she was jarred.

Jackson has since treated for a ruptured disc at L5-S1 – the cart incident aggravated a pre-existing condition and brought it into painful reality. She later underwent two surgeries to remove disc material in her spine. They were performed in June of 2013 and November of 2016. A plaintiff's IME, Dr. Patrick Curlee, Orthopedics, Germantown, confirmed Jackson's injuries and linked her treatment to the Costco incident. Jackson continues to report daily pain.