

The Tennessee Jury Verdict Reporter

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Auto Negligence - The plaintiff complained of a bulging disc injury after a right of way collision

Goodwin v. Hanebis, 15-3351:

Plaintiff: Susan Neal Williams,

Morgan & Morgan, Nashville

Defense: Nathan E. Shelby, *Rainey*

Kizer Reviere & Bell, Nashville

Verdict: \$70,000 for plaintiff

Court: **Davidson**

Judge: Joe P. Binkley, Jr.

Date: 4-26-17

There was a right of way crash in Nashville on 10-1-14. The plaintiff, Vallaree Goodwin, a registered nurse, was preparing to turn left from the superior Donelson Pike onto Satellite Way. As she began her turn, she was struck by Kebede Hanebis who pulled from Satellite Way and into her path. While the collision resulted in minor visible damage, it was significant enough to break the axle on Goodwin's vehicle. Her was not driveable.

Goodwin has since treated for bulging disc injuries in both her upper and lower back. Her course of care included physical therapy and an epidural steroid injection. The plaintiff's injuries were confirmed by the treating Dr. Sanford Geisser, Chiropractor (he was live at trial) and Dr. Robert Clendenin, Orthopedics.

Goodwin sued Hanebis and blamed him for turning into her path. Hanebis denied fault and postured that when he began his turn, Goodwin was not present. He



Susan Neal Williams for the plaintiff

suggested she was traveling at high speed and suddenly appeared. However while his defense implicated comparative fault, Hanebis did not plead this. Thus as the case came to the jury, it was all-or-nothing on fault, i.e., either Hanebis was solely to blame or not to blame at all.

The defense also diminished damages and pointed to photographs that suggested the collision was minor. Hanebis also noted Goodwin's pre-existing history, including similar symptoms after a 2009 accident. Goodwin conceded the prior accident, but cited proof that this collision resulted in a new and more serious injury.

The court's instructions asked if it was more than likely the defendant's negligence caused injury to Goodwin. The jury answered yes for the plaintiff.

trial. She argued the verdict was inadequate as even defense counsel had suggested a \$500 award for each of three claimed categories of damages. She also thought the photographs of the wreck were irrelevant as there was no property damage claim. The motion is pending.

Case Documents:

[The Court's Judgment](#)

[Plaintiff's Motion for a New Trial](#)

Age Discrimination - The plaintiff sought a position at a county hospital and alleged he was passed over because of his age – at his interview, the first words he heard was that he was “an older man”

Sanders v. Lincoln County Hospital, 4:15-54

Plaintiff: L. Gilbert Anglin, Murfreesboro and Jerry E. Farmer, Murfreesboro

Defense: Mary Dee Alle and Rebecca B. Murray, *Wimberly Lawson Wright Daves & Jones*, Knoxville

Verdict: Defense verdict on liability

Federal: **Winchester**

Judge: Harry S. Mattice, Jr.

Date: 3-9-17

Matthew Sanders, then age 52, worked for the Lincoln County Medical Center. It is operated by the county. Sanders sought a position in 2014 at the hospital in patient registration. He did this because his regular hospital job (transporting patients) was about to be eliminated.

At the hiring interview, Sanders recalled being told right away, “You’re an older man.” Sanders was not selected for the position, the hospital hiring a man in his twenties for the job.

Sanders believed he was passed over for the position because of his age. He cited the ageist remark at the

interview. As importantly, he was later told by a hospital employee that the hiring official just couldn’t let go of the age thing. Beyond his claim for compensatory damages, Sanders also alleged the failure to hire was willful which would trigger liquidated damages.

The hospital defended that there were legitimate reasons for the employment decision. First the hospital had already interviewed other candidates and made the hiring decision even before Sanders expressed interest. Then to the merits of the hiring, it was noted that Sanders lacked front office experience.

The jury in this case rejected the plaintiff’s age discrimination claim and Sanders took nothing. A defense judgment was entered.

Case Documents:

[The Pretrial Order](#)

Auto Negligence - The plaintiff complained of soft-tissue symptoms after a right of way collision

Wade v. Shurtluff, 1-383-15

Plaintiff: T. Scott Jones, *Banks & Jones*, Knoxville

Defense: Carol A. Beeler, Knoxville

Verdict: \$8,633 for plaintiff

Court: **Knox**

Judge: Kristi Davis

Date: 1-17-17

There was a right of way crash in Knoxville on 10-24-14. The defendant, Andrew Shurtluff, turned left in front of Timothy Wade at an I-40 entrance ramp. Wade has since treated for soft-tissue injuries. His medical bills are not known.

The case advanced to trial and Wade prevailed. The jury awarded him damages of \$8,633. The verdict is not a part of the record so it is not clear if the award was general or

specific. A consistent judgment was entered and it has been satisfied.

Prison Medical Negligence - A prisoner alleged a doctor was deliberately indifferent to a serious medical need by allowing the prisoner (who had a disc fracture after being assaulted in prison) to be transported on a long bus trip from a Nashville hospital back to the prison without padded seats

McGowan v. Corizon Medical, 3:14-578

Plaintiff: Pro se

Defense: John F. Floyd, Sr. and John F. Floyd, Jr., *Todd & Floyd*, Nashville

Verdict: Defense verdict on liability

Federal: **Nashville**

Judge: Aleta Trauger

Date: 3-14-17

Johnny McGowan was a state prisoner in 2013 at West Tennessee State Penitentiary in Henning, TN. He became involved in a fight and was badly injured. McGowan was stabbed and suffered an L-3 transverse fracture.

McGowan was transferred to the DeBerry Special Needs Facility in Nashville for treatment of his injuries on 3-6-13. He was released for a transfer back to West Tennessee on 3-27-13. While at DeBerry Special Needs, his care was supervised by doctors working for a private medical contractor, Corizon Medical.

The transfer order came from Dr. Clement Bernard. Bernard did not order any special protection for McGowan or that he be placed on a prison bus with padded seats. McGowan made the long trip back to the state prison without a padded seat.

In this civil rights lawsuit, McGowan alleged that Bernard was deliberately indifferent to a serious medical need in sending him back

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