

# The Tennessee Jury Verdict Reporter

The Most Current and Complete Summary of Tennessee Jury Verdicts

July, 2005

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.

#### **Auto Negligence - A Bosnian immigrant stopped to help victims of a fatal car wreck -- as he stood next the scene, he was hit by a car that pushed forward by the defendant**

*Muheljc v. Robinson*, 8119

Plaintiff: W.I. Howell Acuff, *Acuff & Acuff*, Cookeville

Defense: Herbert J. Sievers, III, Nashville

Verdict: \$185,100 for plaintiff less 30% comparative fault

County: **DeKalb**

Judge: John A. Turnbull  
3-29-05

Early on the morning of 11-16-01, Suad Muheljc, a Bosnia immigrant, came upon a serious wreck on Hwy 70. Two fatalities were sustained -- the crash was related to foggy conditions. Muheljc stopped to render aide. He exited his car and stood near the scene.

Before he could help, a second car came upon the scene. It was driven by the elderly Robert Robinson. Robinson collided with a car and that car was pushed into the pedestrian Muheljc. The impact knocked him to the ground.

Muheljc has since treated for radiating pain related to a disc injury. He also had scrapes and bruises. His orthopedist, Dr. Walter Wheelhouse, Orthopedics, Cookeville, identified a 17% impairment. Muheljc incurred medical bills of \$5,982.

In this lawsuit, Muheljc sought damages from Robinson, blaming him for driving into the crash scene. Robinson defended and implicated plaintiff's own fault in standing near the roadway in foggy conditions. Damages

were also diminished.

Fault was mixed at this jury trial in Smithville. It was assessed 70% to the defendant, remainder to Muheljc. Then to damages, he took a general award of damages in the sum of \$185,100. A judgment less comparative fault was entered for him in the sum of \$130,970.

Robinson has since sought JNOV relief. He has called the award excessive, noting the 29-1 ratio beyond the award and Muheljc's medicals. While the motion was pending, the parties compromised their dispute.

#### **Disability Discrimination - A maintenance worker who repeatedly fell asleep at work blamed his employer for failing to accommodate his sleep apnea disorder -- he argued an accommodation would include a position that involved more movement and less sleep-inducing activities**

*Scott v. Regional Medical Center*, 03-2599

Plaintiff: Peggy J. Lee, Memphis

Defense: David P. Jaqua and Jessica A. O'Neal, *Butler Snow O'Mara Stevens & Cannada*, Memphis

Verdict: Defense verdict

Federal: **Memphis**

Judge: Bernice B. McDonald  
3-3-05

Wade Scott started working in maintenance in 1998 for the Regional Medical Center as a steam and refrigerator engineer. While he was fired in 1997 for calling in sick when he wasn't, Scott appealed the firing and was ultimately rehired and promoted.

The trouble relevant to this lawsuit started in May of 2002. He was caught sleeping on the job in the boiler room. He was discovered sleeping again in September. It fully came to a conclusion on 12-14-02.