

Coming in the July 2014 Edition

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The Virginia Jury Verdict Reporter

The Most Current and Complete Summary of Virginia Jury Verdicts

July 2014

Statewide Jury Verdict Coverage

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Auto Negligence - The plaintiff complained of soft-tissue symptoms after a stop sign crash – the jury awarded him a sum equal to exactly his incurred medical bills – the court instructed the jury to award all damages, the jury then replying that “we stand by our verdict”

Benitez-Sonto v. Bird, 73611

Plaintiff: David M. Kopstein,

Kopstein & Associates, Seabrook, MD

Defense: Lacey Ullman Conn,

Michael Davis & Associates, Richmond

Verdict: \$14,979 for plaintiff

Court: **Loudoun Circuit Court**

Judge: Burke F. McCahill

Date: 10-16-13

Medical Malpractice - The plaintiff, who suffered a compression fracture in a car wreck, blamed her team of doctors for failing to stabilize her spinal injury and prevent it from progressing – there was proof that had the injury been stabilized, a more extensive spinal fusion surgery would have been avoided

Tripiciano v. Hale et al, 7:13-254

Plaintiff: Anthony M. Russell and Amanda E. Shaw, *Gentry Locke Rakes & Moore*, Roanoke

Defense: Cameron S. Bell and

William W. Eskridge, *Penn Stuart & Eskridge*, Abingdon for Hale

Ronald Herbert, *Herbert & Satterwhite*, Richmond for Marine

C.J. Steuart Thomas, III and James D.

Mayson, *Timberlake Smith Thomas & Moses*, Staunton for Garzon

Verdict: Defense verdict on liability

Federal: **Roanoke**

Judge: Samuel G. Wilson

Date: 5-8-14

Legal Malpractice - A Washington D.C. lawyer specializing in medical malpractice botched a serious claim (the teen plaintiff was left paralyzed after a spinal surgery to correct scoliosis) – the lawyer failed to style the case correctly against the doctor and it was dismissed by summary judgment – the lawyer admitted the mistake in this lawsuit, a “case-within-a-case” trial being conducted on the underlying medical malpractice

Gilbert v. Nace and Paulson & Nace, 12-1197

Plaintiff: H. Aubrey Ford, III and

Stephanie E. Grana, *Cantor Stoneburner*

Ford Grana & Buckner, Richmond

Defense: John O. Easton and Carol

T. Stone, *Jordan Coyne & Savits*, Fairfax

Verdict: \$4,000,000 for plaintiff

Court: **Richmond City**

Circuit Court

Judge: Melvin R. Hughes, Jr.

Date: 9-27-13

Civil Rights/8th Amendment -

A prison inmate alleged he was sexually abused by a female counselor, the conduct rising to the level of prison rape– the government defended that the relationship was consensual

Chapman v. Augusta Corrections Center, 7:12-389

Plaintiff: Robert E. Dean, II, *Gentry Locke Rakes & Moore*, Roanoke and Michael P. Gardner, *Woods Rogers*, Roanoke

Defense: Margaret H. O'Sheay and Richard C. Vorhis, *Assistant Attorney General*, Richmond,

Verdict: Defense verdict on liability

Federal: **Harrisonburg**

Judge: Michael F. Urbanski

Date: 5-28-14

National Origin

Discrimination - A county employee (a group home supervisor) originally from Cameroon alleged he was fired because of his national origin

Etube v. Loudoun County, VA, 1:12-1374

Plaintiff: Annette Kay Rubin, Leesburg

Defense: Julia B. Judkins and Jennifer E. White, *Bancroft McGavin Horvath & Judkins*, Fairfax

Verdict: Defense verdict on liability

Federal: **Alexandria**

Judge: T.S. Ellis, III

Date: 4-29-14

Peter Etube worked for ten years as a group home supervisor for Loudoun County, VA within the Department of Mental Health. Etube, who hails from Cameroon, described himself as a valued employee who was widely recognized in the community.

That status changed in 2010 when he came under the tutelage of a new boss. This new boss, Etube developed, was harshly critical of

Premises Liability - The plaintiff tripped over an electrical cord that crossed a sidewalk and suffered a broken wrist

Viehwig v. Terminex Company, 12-801

Plaintiff: Michael L. Goodove and Elizabeth K. Ufkes, *Swartz Taliaferro Swartz & Goodove*, Norfolk

Defense: Ted G. Yoakam, *Yoakam & Etheridge*, Virginia Beach

Verdict: Defense verdict on liability

Court: **Virginia Beach Circuit Court**

Judge: Leslie Lilley

Date: 3-26-14

Patent Infringement - A patent holding company alleged a Dutch whiz kid had patented key technology used by Facebook before the social media giant was launched

Rembrandt Social Media v. Facebook, 1:13-158

Plaintiff: Thomas M. Melsheimer and Renee Skinner, Dallas, TX, Ahmed J. Davis, Washington, D.C. and John S. Goetz, New York, NY, all of *Fish & Richardson*

Defense: Heidi Keefe and Michael G. Rhodes, Palo Alto, CA and Phillip E. Morton and Jonathan G. Graves, Reston, VA, all of *Cooley, LLP*

Verdict: Defense verdict on liability

Federal: **Alexandria**

Judge: T.S. Ellis, III

Date: 6-13-14

Dogbite - The plaintiff was bitten in the leg by her sister's dog while attending a cookout and sustained a puncture wound – the defendants denied knowledge of the dog's vicious propensities and showed the jury pictures of a fun-loving and gentle dog with a ball in his mouth

Taylor v. Wright et al, 12-1419

Plaintiff: John F. Pyle, *Crandall & Katt*, Roanoke

Defense: Timothy D. Dooley, *Glenn Robinson & Dooley*, Roanoke

Verdict: \$20,000 for plaintiff

Court: **Roanoke City Circuit Court**

Judge: David Carson

Date: 12-19-13

Darhonda Taylor, then age 52, visited the home of her sister (Dawn Benn) on 5-3-10 for a cook-out. Benn shared the home with Patrick Wright. The couple owned a two chow-mix dog named Angel.

Taylor arrived at the home and parked her car. An instant later in the driveway the dog rushed her and bit her on the legs. Taylor suffered a puncture wound to her right calf and her lower left leg. The wounds required stitches, Taylor incurring medicals of \$12,698. There was proof that Taylor will require \$13,500 for a scar revision procedure.

In this lawsuit Taylor sued Wright and her sister (she was a *pro se* defendant) regarding the dogbite. The defendants replied and denied the dog had vicious tendencies. They pointed to pictures of the dog that revealed it was a very happy and friendly animal who liked to play with a ball.

The jury's verdict was for Taylor and she took a general award of \$20,000. The verdict was satisfied before a judgment was entered and the court entered a judgment of dismissal.

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