

The Alabama Jury Verdict Reporter

The Most Current and Complete Summary of Alabama Jury Verdicts

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Statewide Jury Verdict Coverage - Published Monthly

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Alabama's Jury Verdict Reporter Since 2001

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Civil Jury Verdicts

Complete and timely coverage of civil jury verdicts in Alabama including circuit, presiding judge, parties, case number, attorneys and results.

Medical Negligence - A newborn infant was diagnosed with permanent kidney disease and high blood pressure; the infant's mother blamed the condition on the failure of her ob-gyn to instruct her not to take her blood pressure medication during her pregnancy

McKinnis v. Diegmann, et al.,
19-901720

Plaintiff: Troy T. Schwant, *Burns Cunningham & Mackey, P.C.*, Mobile; Michael L. Roberts and Donald D. Knowlton, *Cusimano Roberts & Mills, LLC.*, Gadsden

Defense: W. Austin Mulherin, III, Jay N. Robinson, and Blair G. Mattei, *Frazier Greene, LLC.*, Mobile

Verdict: Defense verdict

Circuit: **Baldwin**, 5-10-24

Judge: C. Joseph Norton

Prior to May of 2017, Eula McKinnis received prenatal care from an ob-gyn, Dr. Fred Diegmann, a partner in the office of Diegmann and Henderson Ob-gyn, P.C. in Fairhope. During that previous pregnancy, McKinnis informed Dr. Diegmann's office that she was taking Lisinopril, a medication for treating high blood pressure.

Significantly, pregnant women are warned not to take Lisinopril because it can cause harm to the fetus, including causing fetal kidney damage. Dr. Diegmann thus instructed McKinnis to discontinue taking Lisinopril for the duration of her pregnancy.

Some four years later on 5-9-17, McKinnis once again visited Dr. Diegmann's office. After examining McKinnis he informed her that she was again pregnant and was in fact eight weeks along. Dr. Diegmann then began providing prenatal care

for this new pregnancy.

The fact that McKinnis was taking Lisinopril was already documented in her existing medical charts in the office from her previous pregnancy. However, for some reason Dr. Diegmann this time allegedly did not instruct her to discontinue taking Lisinopril.

McKinnis saw Dr. Diegmann at his office for prenatal care a total of eleven times over the subsequent months. On 12-11-17 she went to his office in active labor. From there McKinnis was sent to Thomas Hospital for what was anticipated to be a normal delivery.

A baby boy, Jayce McKinnis, was delivered that same day. Upon birth, Jayce's Apgar score was 5, which is below normal and indicated that he needed medical attention. He soon went into respiratory distress and was suffering from kidney dysfunction.

Jayce was given a feeding tube and transferred to the NICU. From there he was transferred to the NICU at University of South Alabama Medical Center on 12-14-17. The following day on 12-15-17 Jayce was transferred to Children's of Alabama in Birmingham. His treatment was grueling.

Jayce was discharged from the hospital on 1-22-17 with a diagnosis of chronic kidney disease and high blood pressure. He survived his ordeal, but his condition is permanent.

On behalf of Jayce as his mother and next friend, Eula filed suit against Drs. Diegmann and Henderson and against Diegmann and Henderson Ob-gyn, P.C. Eula

the stroke.

Dr. Cole and Below Chiropractic Center, P.C. defended the case and denied having committed any breach of the chiropractic standard of care. Defendants called their treatment of Barnett appropriate in all respects and denied having caused his stroke.

The case was tried in Cullman. The jury returned a verdict for Dr. Cole and Below Chiropractic Center, Inc., rejecting both Barnett's claims and Renee's consortium claim. The court entered a defense judgment. The Barnett's filed a post-trial notice of appeal on a *pro se* basis. Shortly thereafter their attorneys withdrew from further representation of them. The Barnetts are apparently pursuing their appeal themselves without assistance of counsel.

The appellate court ruled that it did not have jurisdiction over the matter and instead transferred it to the Alabama State Supreme Court. At the time the AJVR reviewed the record, the appeal was still pending.

Case Documents:

[Jury Verdict](#)

Auto Negligence - Plaintiff claimed to have been injured when he was rear-ended at a stop light by a funeral home employee who was distracted by his cell phone; the jury found for the defense

Haring v. Goins, et al., 21-901302

Plaintiff: Gregory A. Bordenkircher, *Bordenkircher Law, LLC.*, Daphne
Defense: Jonathan R. Maples, *Carr Allison*, Daphne

Verdict: Defense verdict

Circuit: **Baldwin**, 10-17-23

Judge: Scott P. Taylor

On 12-10-19, Glenn Haring was driving north on Greeno Road in Baldwin County. Behind him and traveling in the same direction was Ronald Goins who was driving a 2018 Chevrolet Express cargo van. Goins was on the job for his

employer, Wolfe-Bayview Funeral Home, Inc.

Haring stopped for a red light at the intersection with AL 104. As Goins approached from behind he was distracted by his cell phone. As a result, Goins collided with the rear of Haring's vehicle. The record does not reveal the nature of Haring's injuries or the amount of his medical expenses.

Haring filed suit against Goins and blamed him for causing the crash. Haring also named Wolfe-Bayview Funeral Home, Inc. as a co-defendant on a theory of vicarious liability. Goins and his employer defended the case and minimized Haring's claimed injuries.

The case was tried for two days in Bay Minette. The jury returned a verdict for Goins and Wolfe-Bayview Funeral Homes, Inc. The court entered a defense judgment.

Case Documents:

[Jury Verdict](#)

[Final Judgment](#)

Underinsured Motorist - Plaintiff was injured in a crash that happened when another motorist pulled into his path from a private drive; the parties stipulated to the dismissal of plaintiff's claims against the tortfeasors and of their counterclaims against him, and the case proceeded solely on plaintiff's UIM claim against his own insurer

Hill v. State Farm, 18-9000033

Plaintiff: C. Todd Buchanan, *Shunnarah Injury Lawyers, P.C.*, Birmingham

Defense: Murry S. Whitt, *Holtsford Gilliland Hitson Howard Stevens Tuley & Savoarese, P.C.*, Montgomery

Verdict: \$350,000 for plaintiff

Circuit: **Coosa**, 10-24-23

Judge: David F. Law

On 9-17-16, Lofton Hill was driving a 1999 Chevrolet Suburban SUV as he headed north on AL 22 in

Coosa County. At a point between C.R. 30 and C.R. 40, Christian Moore pulled out of a private drive in a 2011 Kia Sorento SUV owned by Gloria Sinclair.

Moore pulled from the private drive onto AL 22 directly in Hill's path, and the two collided. The record does not reveal either the nature of Hill's claimed injuries or the amount of his medical expenses.

Hill filed suit against Moore and blamed him for pulling into Hill's path and thereby causing the crash. Hill also named Sinclair as a co-defendant on a theory of negligent entrustment. Finally, Hill named his own insurer, State Farm, on an underinsured motorist claim.

Moore and Sinclair defended the case, denied any wrongdoing, and blamed the crash on Hill. Based on that defense, Moore and Sinclair filed a counterclaim against Hill. The parties later stipulated, however, to the dismissal of Hill's claims against Moore and Sinclair and of their counterclaim against him.

The litigation continued thereafter solely against State Farm on Hill's underinsured motorist claim. State Farm defended the case and sought to minimize Hill's claimed damages.

The case was tried in Rockford. The jury returned a verdict for Hill and awarded him damages of \$350,000. The court entered a judgment for that amount, plus costs of \$2,800. The judgment has been satisfied.

Case Documents:

[Jury Verdict](#)

[Final Judgment](#)