

The Alabama Jury Verdict Reporter

The Most Current and Complete Summary of Alabama Jury Verdicts

November, 2023

Statewide Jury Verdict Coverage - Published Monthly

23 A.J.V.R. 11

Alabama's Jury Verdict Reporter Since 2001

In This Issue

Jefferson County	
Auto Negligence - Defense verdict	p. 3
Mobile County	
Products Liability - Defense verdict	p. 1
Madison County	
Auto Negligence - Defense verdict	p. 2
Franklin County	
Medical Negligence - \$504,546	p. 3
Tuscaloosa County	
Medical Negligence - Defense verdict	p. 4
Federal Court - Selma	
Employment Due Process - \$850,000	p. 5
Chilton County	
Auto Negligence - Defense verdict	p. 6
Baldwin County	
Underinsured Motorist - \$118,000	p. 7

Civil Jury Verdicts

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

Products Liability - An intoxicated man trying to commit suicide swerved into oncoming traffic and crashed head-on into plaintiff's vehicle at more than 80 mph, causing her to suffer injuries and massive blood loss that led to her death; the tortfeasor survived the crash and was sentenced to 25 years in prison, while plaintiff's estate pursued a products liability claim against the manufacturer of her vehicle

Estate of Skoda v. American Honda Motor Company, et al., 20-901262
Plaintiff: J. Greg Allen, Stephanie S. Monplaisir, Evan G. Allen, and Kendall C. Dunson, *Beasley Allen Crow Methvin Portis & Miles, P.C.*, Montgomery; J. David Greene, Will G. Phillips, and Britt V. Bethea, *Greene & Phillips*, Mobile
Defense: M. Warren Butler, *Starnes Davis Florie, LLP.*, Mobile; D. Alan Thomas, Ryan A. Baker, and Jennifer H.R. Egbe, *Huie Fernambucq & Stewart*, Birmingham; H. Lanier Brown, II and J. Patrick Strubel, *Watkins & Eager, PLLC.*, Birmingham (all for American Honda Motor Company)

Verdict: Defense verdict
Circuit: **Mobile**, 10-26-23
Judge: Jill Parrish Phillips

Baly Dennis Hobson was having a bad day on 10-16-18. After having an argument with his girlfriend, during which he held a knife to her throat, Hobson stole her 2007 Toyota Camry Solara Sport and went for a ride. His route took him south on Schillinger Road in Mobile County.

Hobson was intoxicated at the time with a B.A.C. of 0.158 %. Apparently distraught, Hobson decided to commit suicide. At just that moment

Charlotte Skoda, age 71, was approaching from the opposite direction in a 2014 Honda Accord LX. She was on her way to her job at Faith Academy, a private religious school.

As the two vehicles drew near each other, Hobson swerved into Skoda's lane and collided with her at more than 80 mph in a head-on offset crash. The impact caused Skoda's vehicle to spin 130 degrees, hit the curbside, and run off the road before coming to a rest in a ravine.

The forces involved in the impact were so great that the frame of the passenger compartment of Skoda's vehicle was crushed and her lower extremities were mangled. This caused some delay in extracting her from the vehicle.

Skoda survived the crash and was taken to a hospital where she later died of hemorrhagic shock. In essence, she died due to massive blood loss. Ironically, Hobson, who had a lengthy criminal history, survived the crash and later pled guilty to charges of murder, kidnapping, and robbery for his actions in this incident. Hobson is now an inmate at the Ventress Correctional Facility in Clayton, AL and serving a sentence of twenty-five years.

Skoda's estate filed suit against Hobson and blamed him for crashing into Skoda and thereby setting in motion the chain of events that led to her death. The estate also targeted the American Honda Motor Company, the manufacturer of Skoda's vehicle, on a products liability claim.

Although Hobson was nominally a

The litigation proceeded thereafter solely against Dr. Thompson and University Orthopaedic Clinic. They defended the case and denied their treatment of Hudgins constituted a breach of the standard of care.

The identified defense experts included Dr. Steven Barrington, Orthopedic Surgery, Montgomery. According to Dr. Barrington, the broken guide pin was indeed lodged in Hudgins's tibia, and the decision to leave it in place was both reasonable and within the standard of care.

Dr. Barrington further believed that the pin was not expected to cause any problems in that location, and any attempt to remove the pin would have caused more damage than it would have prevented. Unfortunately, the pin later migrated to a different area of concern. When Dr. Thompson became aware of this, he promptly performed the second surgery to remove the pin.

Finally, Dr. Barrington noted that the ordeal did not adversely affect Hudgins. Instead, Hudgins had made a full recovery, and his ultimate outcome is that his knee has returned to normal functioning. Dr. Hope retorted that if the pin had actually been embedded in bone as Dr. Thompson claimed, it could not have migrated at all.

The case was tried in Tuscaloosa. The jury returned a verdict that exonerated Dr. Thompson and University Orthopaedic Clinic. The court closed out the case with the entry of a defense judgment.

Case Documents:

[Jury Verdict](#)

[Final Judgment](#)

Employment Due Process - Three Selma police officers were placed on administrative leave without pay after being indicted by the Attorney General regarding an investigation into missing weapons from the evidence room – the charges were later dropped, and the officers alleged their dismissal from the police force represented a due process violation

Hardy et al v. City of Selma, 2:21-522

Plaintiff: K. David Sawyer,

McPhillips Shinbaum, Montgomery

Defense: Brad A. Everhart and

Randall Morgan, *Hill Hill Carter*

Franco Cole & Black, Montgomery

Verdict: \$875,000 for plaintiffs

Federal: **Selma**, 8-31-23

Judge: Terry F. Moorer

Lt. Tory Neely and Sergeants Jeffrey Hardy and Kendall Thomas were employed by police officers by the City of Selma, AL. In the fall of 2018 the Attorney General investigated the police department regarding claims that guns were missing from the evidence room. The three officers were placed on administrative leave with pay on 9-26-18. When they were indicted on 11-2-18, Selma put them on leave without pay.

The city explained that the three could not function as officers while under criminal indictment. All three officers proclaimed their innocence and made several attempts to have a personnel board hearing regarding their suspensions. There was no hearing.

It was a convoluted process (the indictments were dropped because of procedural errors and the officers indicted again) but ultimately in August of 2021, the criminal charges were dropped. The officers had already sued the City of Selma in state court (Dallas County) alleging wrongful termination and breach of contract.

Following the dismissal of the indictments, the three officers amended their complaint to allege the firing violated their federal due process rights. That is, they each had a property interest in their continued employment and were terminated without due process. Selma then removed the case to federal court.

Finally in August of 2023 and over three days (this was almost five years since the suspension), the three officers came to trial against the city. They presented three claims: (1) due process violation, (2) breach of contract, and (3) wrongful termination. They sought backpay and emotional damages. The City of Selma denied the allegations and explained it was not even involved in the pursuit of the criminal charges. It had suspended the plaintiffs only because they could not effectively function as police officers while indicted.

There was interesting practice in the lead-up to trial. The case was mediated by retired Montgomery County Judge Charles Price in October of 2022. An ostensible settlement was reached with Selma agreeing to pay the plaintiffs a total of \$850,000. Before the settlement could be effectuated, the discussions broke down over issues of confidentiality and reinstatement.

The City of Selma then moved to enforce the settlement. The parties argued that there was no meeting of the minds. Judge Moorer ultimately concluded there was no final settlement, and the case proceeded to trial.

The court record broke down at trial. There was a trial but the verdict itself was not only not made public, it is not even a part of the court record. While the secret (perhaps lost) verdict remains at an unknown location, the AJVR has learned about it in part.

The three plaintiffs prevailed on