

The Alabama Jury Verdict Reporter

The Most Current and Complete Summary of Alabama Jury Verdicts

December, 2025

Statewide Jury Verdict Coverage - Published Monthly

25 A.J.V.R. 12

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Civil Jury Verdicts

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Medical Negligence - A 30 year-old woman with a history of lung problems was diagnosed with ovarian cancer and prescribed a chemotherapy drug called bleomycin which carries an enhanced risk of toxicity for patients with lung problems; after the woman later died, her estate claimed her death was due to bleomycin toxicity and that her ob-gyn did not get her informed consent to use the drug

Estate of Gladden v. Kim, et al.,
18-900019

Plaintiff: Stephen D. Heninger and Brandy L. Robertson, *Heninger Garrison Davis, LLC.*, Birmingham
Defense: Walter William Bates, James Wilson ("Will") Axon, Jr., and Madeleine G. Harpool, *Starnes Davis Florie, LLP.*, Birmingham
Verdict: Defense verdict
Circuit: **Jefferson**, 11-24-25

Judge: Brendette Brown Green

By September of 2016, 30 year-old Lyndsey Gladden had already accumulated a lengthy history of asthma and other lung problems. On 9-18-16 Gladden was evaluated at Gadsden Regional Medical Center for pelvic pain. A CT scan revealed a possibly malignant mass of ovarian origin.

In light of this discovery, Gladden was transferred to UAB Hospital for further evaluation and treatment by Dr. Kenneth Kim, an OB-Gyn. Gladden was admitted to UAB Hospital on 9-18-16 and underwent surgery three days later. She was discharged on 9-24-16 with a diagnosis of ovarian cancer.

A pathology report following the surgery confirmed that Gladden had a particularly rare and aggressive form of ovarian cancer. She had a port placement on 10-13-16 for

for failing to warn her of the danger. Hill's identified experts included Corrin Clayton, Life Care Plan, Honea Path, SC; and Ian Noy, Human Factors/Ergonomics, Fort Myers, FL.

Sam's West defended the case and denied having any constructive knowledge of the alleged hazard. In particular, defendant argued that Hill had produced no evidence that the mystery substance had been on the floor long enough for Sam's West to have discovered it. The defense pointed to Hill's testimony that she didn't know how it got on the floor, who put it there or if anyone at Sam's West was aware. An injury itself, the defense explained, did not presuppose negligence and in this case there was simply no evidence it was "delinquent" in failing to discover and remove the substance.

The case was tried for two days in Bay Minette. Sam's West filed a motion for a judgment as a matter of law at the close of all the evidence. The court denied the motion. The jury returned a verdict for Sam's West, and the court entered a defense judgment.

That, however, was not the end of the matter. First, Sam's West filed a post-trial motion for costs in the amount of \$11,624. The court granted the motion, but only in the amount of \$5,388.

Second, Hill filed a motion for a new trial and alleged various errors by the trial court. That included failing to strike two Wal-Mart employees from the venire panel and improperly allowing Sam's West to argue for contributory negligence when there was no evidence Hill did anything wrong. Judge Bishop denied the motion, and Hill has filed an appeal of the judgment. At the time the AJVR reviewed the record, the appeal was still pending.

Case Documents:

[Plaintiff Expert Disclosure](#) (Noy)

[Defense Summary Judgment Motion](#)
[Jury Verdict](#)
[Final Judgment](#)
[Plaintiff Motion for a New Trial](#)
[Defense Response to Motion for a New Trial](#)

Auto Negligence - Plaintiff was injured in a rear-end crash in Brewton that happened when plaintiff stopped at a yield sign at an intersection and waited for traffic to clear so she could make a right turn – she later treated for both low-back and ACL injuries

Kyles v. Purvis, 21-000002

Plaintiff: Michael J. Crow, *Beasley Allen Crow Methvin Portis & Miles, P.C.*, Montgomery

Defense: Alex L. Holtsford, Jr. and M. Andrew Donaldson, *Holtsford Gilliland Hitson Howard Stevens Tuley & Savarese, P.C.*, Montgomery

Verdict: \$141,307 for plaintiff

Circuit: **Escambia**, 10-22-25

Judge: Jeffrey Todd Stearns

In the late morning of 2-20-19, Keiyuana Kyles was driving a 2016 Nissan Maxima as she traveled northwest on Persimmon Street in Brewton. Behind her was a 2008 Chevrolet Avalanche being driven by Heather Purvis.

Kyles stopped for a yield sign at the intersection with South Boulevard with the intention of making a right turn. Purvis pulled up behind her and also stopped. Kyles pulled forward a bit just as Purvis looked away from the road to her left to check for traffic while also pulling forward. When Purvis looked back to the road ahead of her, she noticed that Kyles had

again stopped.

Purvis tried to stop so as to avoid colliding with Kyles. She was unable to do so, and an instant later Purvis rear-ended Kyles. The investigating police officer observed visible damage to both vehicles, yet they were both driveable.

Kyles and Purvis both said they were okay and declined the help of EMS. They then departed the scene. Soon thereafter Kyles sought care for radiating low-back pain. A Pensacola neurosurgeon, Dr. Mark Giovanni, Pensacola, performed a low-back surgery in November of 2020.

Kyles also complained of knee pain. She treated with a Panhandle orthopedist, Dr. Mark Elliott, who performed an ACL repair surgery in 2022.

Kyles filed suit against Purvis and blamed her for causing the crash. Interestingly, Kyles originally filed suit in Monroe County because that was where she lived. Purvis filed a

IN THE CIRCUIT COURT OF ESCAMBIA COUNTY, ALABAMA

JURY VERDICT

CASE NO: CV 2021-2

KEIYUANA KYLES

vs.

HEATHER LYNN PURVIS

☒ We, the jury, find in favor of the Plaintiff and against the Defendant and assess damages as follows:

Compensatory damages \$ 141,307

☐ We, the jury, find in favor of the Defendant and against the Plaintiff.

Print Foreperson's Name William J. Bishop

Foreperson's Signature [Signature]

Date Filed October 22, 2025

Clerk of Circuit Court [Signature]

The Kyles v. Purvis jury verdict

Historical Alabama Verdict

Train Negligence - The plaintiff suffered injuries when struck by a passing train at what he argued was a poorly marked railroad crossing

Garrett v. L&N Railroad

Plaintiff: Ed Hopper, Huntsville

Defense: Pat Richardson and Schuyler Richardson, Huntsville

Verdict: \$115,000 for plaintiff

Circuit: **Madison**

Judge: James Esco

Date: March 28, 1979

James Garrett, age 77 and a retired miner from Birmingham, traveled on the afternoon of 2-23-1977 in Huntsville. He proceeded on Whitesburg Drive (a little south of downtown) near Superior Avenue. At this location there is a rail crossing.

As Garrett proceeded over the rail crossing, his vehicle was struck on the driver's side by a passing L&N train. It knocked the vehicle into utility pole. Garrett was treated and released that day at Huntsville Hospital. His wife, a front seat passenger, was not injured.

A few months later Garrett developed a brain bleed and underwent an emergency surgery in Birmingham. This was linked to the train collision. The once active Garrett was described by his wife as now disabled and reliant on a cane to ambulate.

The Garretts sued L&N Railroad and alleged negligence in several ways. First was there was no sign to warn motorists of the crossing and the crossing itself was overgrown with foliage. Garrett also blamed the railroad engineer for not blowing the horn. Beyond Garrett's claim for damages, his wife also sought consortium damages.

L&N Railroad denied fault and suggested that Garrett had failed to stop before crossing the tracks. Its lawyer (Schulyer) told the jury that Garrett wanted to use sympathy but not common sense.

The case was tried in March of 1979 from a Wednesday to the next Tuesday. It was apparent fact dense. The plaintiff called 13 witnesses. The railroad had twenty! The jury deliberated almost five hours.

The verdict was for the Garretts and totaled \$115,000. That represented \$95,000 for Garrett and \$20,000 more for his wife's consortium claim. That 1979 jury award would be about \$550,000 in 2025 dollars. The conclusion of this case, appeal, new trial or judgment satisfied, whatever it was, is lost to history.

Jury Awards Birmingham Couple \$115,000 in Railroad Crash Case

A Madison County circuit court jury Tuesday awarded \$115,000 to a Birmingham couple against L&N Railroad for damages from a 1977 train-car wreck.

The jury awarded the damages to Mr. and Mrs. James A. Garrett against the company after deliberating four hours and 20 minutes. Garrett, 77, of Birmingham, was driving a car involved in a February 1977 train-car accident at a Whitesburg Drive railroad crossing.

The damages awarded include \$95,000 to Garrett for his injuries from the accident and \$20,000 to his wife for her loss of his

underwent a brain operation for an apparent blood clot on his brain at University of Alabama Medical Center in Birmingham.

Attorney Pat Richardson defended the railroad and train engineer W.B. Counts of Tennessee. Counts was named in the \$500,000 suit but was not ruled by the jury to pay damages.

Richardson said there will be an appeal. "We'll file a motion for a new trial with the same court — (Circuit Court) Judge James Esco," he said. "We're not pleased with the verdict — we were surprised and disappointed."

Hopper said he was "faded" Counts was not

railroad company was at fault because of the poor upkeep of the crossing, and the lack of adequate warning by the train before the wreck.

Richardson argued that Garrett apparently did not stop while approaching the crossing. He said that testimony shows the driver's view was not blocked by foliage, and if Garrett had stopped he would have seen the train.

Co-defense attorney Schuyler Richardson urged the jury to use common sense. "The plaintiff lawyer asks you not to use common sense but to use sympathy."

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