

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.

Premises Liability - As plaintiff exited the exterior stairs leading from the second floor of a bar in the pre-dawn hours, he lost his balance and fell over the railing to the ground below; plaintiff blamed his fall and resulting injuries on a defect in the design and construction of the stairs and handrails

Lavigne v. Dee Ford's West, LLC.,
19-900254

Plaintiff: S. Drew Barnett, *Belt Bruner & Barnett, P.C.*, Birmingham; and Matt Abbott, *Wettermark Keith, LLC.*, Birmingham

Defense: Clarence Dortch, III, *Dortch Law Offices, LLC.*, Talladega; Carol Ann Smith and Christopher J. Doty, *Smith & Doty, P.C.*, Mountain Brook; and R. Joel Laird, Jr., Anniston
Verdict: \$2,000,000 for plaintiff
Circuit: Talladega, 10-20-23
Judge: William E. Hollingsworth

In the spring of 2016, Dewey Lankford opened a bar and restaurant called Dee Ford's West located at 1960 McCraig Road in the town of Lincoln. The establishment originally had only one floor and an attic. However, Lankford subsequently renovated the attic and turned it into a second floor bar. The second floor opened in the summer of 2017.

As part of the renovation project, Lankford arranged for the construction of an external staircase leading to an entrance on the new second floor. Thus, patrons at Dee Ford's West could enter the establishment via either the ground floor entrance or the stairs leading to the second story entrance.

In the evening of 8-19-18, Thomas Lavigne, then in his sixties and blind

in one eye, was socializing with some friends. He had consumed one or two beers at a different bar before he and his friends decided to visit Dee Ford's West.

The group entered through the ground floor entrance and then made their way to the second floor via an internal staircase. While in the upstairs bar, Lavigne had another beer while one of his companions occupied himself by playing pool.

Lavigne eventually grew bored, and the group decided to leave at around 4:00 am. When they attempted to descend the interior stairs to leave the same way they had entered, the doorman informed them they couldn't leave that way. Instead, they were required to exit via the exterior staircase.

That was fine with Lavigne, and he and his companions exited through the second floor entrance and began to descend the staircase. Even though it was dark, Lavigne would later state that he was able to see the stairs.

Lavigne made it down the first step. When he went to take the second step, he somehow lost his balance and began to fall. While in the act of falling, he reached out to grab the handrail along the side of the stairs. However, he felt nothing and instead fell over the railing to the ground below.

Lavigne suffered extensive injuries in the fall. They included multiple fractures, a closed head injury, loss of consciousness, memory loss, and a back injury that required a fusion surgery. The record does not reveal the amount of his medical expenses.

Lavigne filed suit against Dee

Premises Liability - The plaintiff fell and struck his head on a wet floor in a vestibule of a Buc-ee's retail store in the hours after Hurricane Sally – he blamed the store for having inadequate mats and warnings for customers in light of the conditions and heavy store traffic

Steward v. Buc-ee's Alabama, 1:20-538

Plaintiff: Brian A. Traywick,

Shunnarah Trial Attorneys,

Birmingham and Robert C.

Epperson, Foley

Defense: James Rebarchak and

Joseph D. Steadman, Jr., *Jones Walker,*

Mobile

Verdict: Defense verdict on liability

Federal: **Mobile**, 12-7-23

Judge: Terry F. Moorner

Hurricane Sally (Category 2)

moved into the Gulf Coast area of Alabama early on the morning 9-16-

20. It was still rainy and almost misting at noon in Robertsdale, AL at a Buc-ee's retail store location. Buc-ee's features endless gas pumps, assorted food, and an enormous range of all kinds of products. It has become a cultural icon in parts of the South.

Against this backdrop, it was busy that morning at Buc-ee's. The traffic was 75% or so up from that same day a year earlier. Jimmy Steward, who lives nearby, had come to Buc-ee's and was looking for a tarp for his property that had been damaged in the storm. Steward appreciated the wet conditions and carefully navigated the entrance. He also wore Croc-brand shoes (with a rubber sole) that he hoped would keep him safe.

This Buc-ee's usually has two entrances. However, because of winds from the storm, only one

entrance was open. That made it even busier than usual. It became even more dangerous as customers tracked water inside. Buc-ee's appreciated this risk and had a Swingo (it's a shop-vac like device) in place in the vestibule to soak up water. There was also a mat in place and several warning cones.

As Steward walked into the store, he slipped on the wet floor. He fell forward and struck his head.

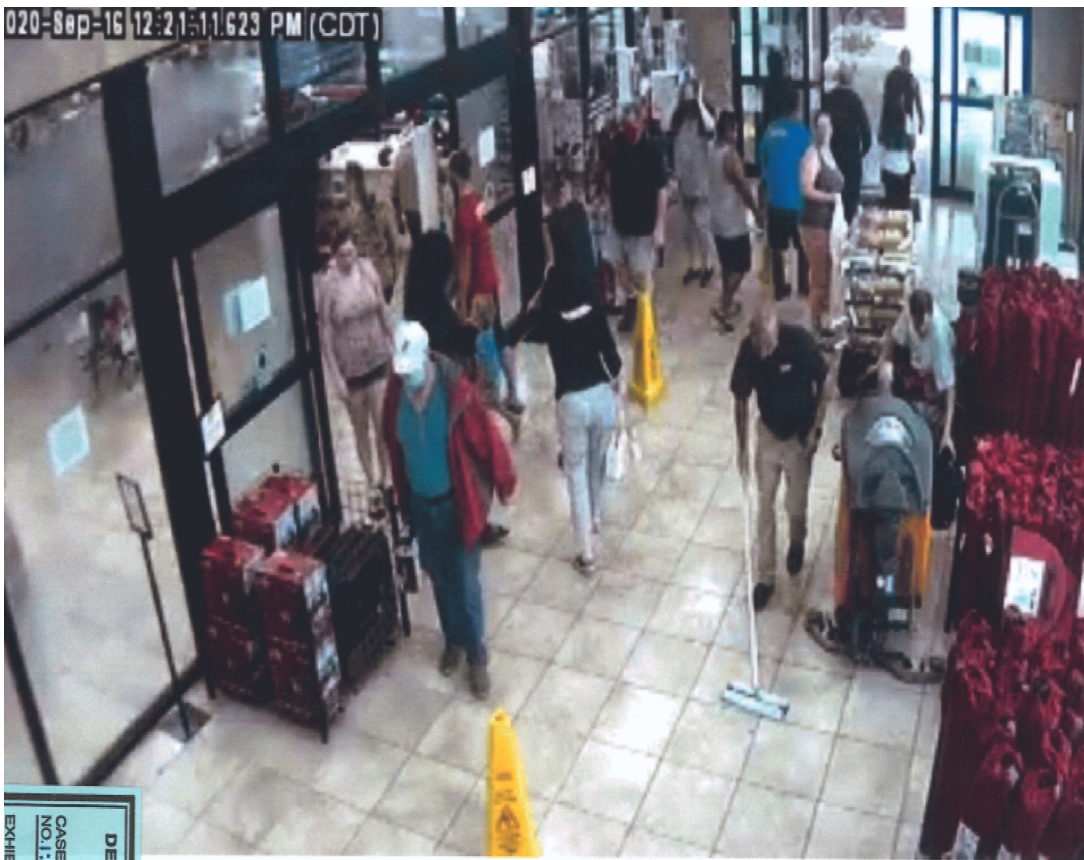
Steward sustained a brain bleed and was hospitalized at USA Hospital in Mobile for several days. After he was released he suffered a seizure at home. Steward continues to have symptoms, including memory loss and headaches, which he attributes to his fall.

Steward sued Buc-ee's Alabama in Baldwin County, and Buc-ee's removed the case to federal court on diversity. Steward advanced two

separate but related theories to trial. The first was that Buc-ee's was negligent in maintaining the store, and this led to Steward's injuries.

The second theory was premises liability, and, as explained in Judge Moorner's instructions, this represented a claim that the vestibule was not in a reasonably safe condition. While there was no order of bifurcation in the court record, the case was tried to a jury on liability issues only.

Buc-ee's defended the case and argued that it had acted reasonably. It cited the use of the Swingo and that a store employee had been specifically



The scene at the time of the fall