

# 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*

## In This Issue

<b>Jefferson County</b>	
Auto Negligence - \$15,000	p. 9
<b>Calhoun County</b>	
Truck Negligence - \$2,812,000	p. 1
<b>Federal Court - Mobile</b>	
Employment Retaliation - Defense verdict	p. 3
<b>Lee County</b>	
Auto Negligence - Defense verdict	p. 4
<b>Cullman County</b>	
Home Inspection Neg. - \$400	p. 5
<b>Mobile County</b>	
Auto Negligence - \$250,391	p. 6
<b>Madison County</b>	
Auto Negligence - Defense verdict	p. 6
<b>Baldwin County</b>	
Auto Negligence - \$135,000	p. 9
<b>Notable Mississippi Result</b>	
Termite Arbitration - \$2,756,142	p. 10
<b>Notable Tennessee Verdict</b>	
<i>Nashville, Tennessee</i>	
Medical Negligence - \$347,134	p. 11

**Truck Negligence - A mother and her minor daughter suffered soft-tissue injuries when their car was rear-ended at an intersection by a fully loaded tractor-trailer; the jury awarded plaintiffs damages that were approximately 49.5 times their combined incurred medical expenses**

*Looney, et al. v. Buchanan, et al.,*  
22-900504  
Plaintiff: Erby J. Fischer and Victoria L. Dye, *Morgan & Morgan Birmingham, PLLC.*, Birmingham  
Defense: Steven F. Casey and J. David Moore, *Jones Walker, LLP.*, Birmingham  
Verdict: \$2,812,000 for plaintiffs (comprised of \$2,712,000 for Tytiana and \$100,000 for Iyana) on negligence and negligent hiring; defense verdict on wantonness and

negligent entrustment  
Circuit: **Calhoun**, 11-8-24  
Judge: Bud Turner

In the late afternoon of 10-13-22, Tytiana Looney, then age 29 and a professional phlebotomist, was driving a 2022 Toyota Camry as she traveled south in the left lane of U.S. 431 in Calhoun County. Looney's minor child, Iyana Watson, was riding with her as a passenger in the back seat.

At the same time, Hunter Buchanan was also traveling south on U.S. 431 in a 2022 Peterbilt tractor trailer owned by his employer, Apollos Water South, LLC. Buchanan was on the job at the time for Apollos. His trailer was also fully loaded, and he would later estimate its weight at some 65,000 pounds.

## Civil Jury Verdicts

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which he identified several relatively minor issues with the home.

Based on Johnson's report, Smith proceeded with the purchase. Shortly after she moved in she hired a contractor to replace the carpet in the kitchen and three of the bedrooms with laminated flooring. When the contractors pulled up the carpet they discovered numerous cracks in the foundation.

Smith also discovered several cracks in the exterior brick veneer on the home that corresponded to the cracks in the foundation. Finally, a foundation contractor Smith had called in for a consult informed her that the exterior wall was bowed.

Johnson had not revealed any of this in his pre-purchase inspection report. Smith filed suit against him and claimed that if she had known of the defects, she would not have gone forward with the purchase. She claimed Johnson's report had not been done in conformity with industry standards or state law.

Smith estimated the cost to repair the home at approximately \$57,262. She also sought recovery of rent payments in the amount of \$8,000, and she claimed emotional distress in an unspecified amount. Smith's identified experts included Richard Laframboise, Home Inspection, Birmingham; and Gordon Davis, Structural Engineering, Montgomery.

Johnson defended the case and argued the cracks beneath the carpet had not been accessible to him, and so he couldn't have found them. However, he admitted he had simply failed to notice the cracks in the exterior brick veneer.

The focus of the defense was on the terms of the inspection contract. Johnson noted that the contract contained a liquidated damages clause that limited Smith's damages to twice the inspection fee. Since the fee was \$325, she could recover

damages of only \$650 at most. Smith responded to this point and argued that the contractual clause was ambiguous because it did not explicitly state the amount of the fee.

Johnson also identified several experts in the case, including two structural engineers. They were Michael Howerton of Huntsville and James Durham of Franklin, TN.

The case was tried for two days in Cullman. The jury returned a verdict for Smith and awarded her damages of \$400. The court entered a judgment for that amount.

#### Case Documents:

[Defense Summary Judgment Motion](#)

[Plaintiff Summary Judgment](#)

[Response](#)

[Jury Verdict](#)

[Final Judgment](#)

#### **Auto Negligence - Plaintiff sought compensation for injuries he sustained in a failure-to-yield intersection crash; the jury found for plaintiff and awarded him damages that were four and a half times his medical expenses**

*Hall v. Davis*, 23-900650

Plaintiff: Dean Waite and Charles E. Davis, *Dean Waite & Associates, LLC.*, Mobile

Defense: David W. Henderson and Daniel T. Seawell, *Hill Hill Carter Franco Cole & Black, P.C.*, Montgomery

Verdict: \$250,391 for plaintiff

Circuit: **Mobile**, 5-14-24

Judge: Michael P. Windom

On 8-8-22, David Hall, was driving north on Dawes Road in Mobile County. At the same time Ashton Davis, a minor, was driving west on Windy Oak Drive. At the intersection of the two roads Davis made a left turn into Hall's path, and the two collided.

The record does not reveal the nature of Hall's claimed injuries. However, it is known that his

incurred medical expenses totaled \$55,089. Additionally, he was off work for six weeks due to his injuries. Hall's claimed lost wages came to \$7,713.

Hall filed suit against Davis and blamed him for causing the crash. Hall also presented an underinsured motorist claim against his own insurer, State Farm. Ultimately, State Farm opted out of the case.

The litigation continued thereafter against Davis. Through his mother, Sheila Hart, as his next friend, Davis defended the case and sought to minimize Hall's claimed damages.

The case was tried in Mobile. The jury returned a verdict for Hall and awarded him damages of \$250,391. This figure was approximately four and a half times his incurred medical expenses. The court entered a judgment for that amount, and it has been satisfied.

#### Case Documents:

[Jury Verdict](#)

[Final Judgment](#)

#### **Auto Negligence - Plaintiff claimed to have been injured when the vehicle in which she was apparently a passenger collided with another vehicle at an intersection**

*Pickrell v. Robertson*, 19-902196

Plaintiff: Jay E. Emerson, Jr., *Higgs & Emerson*, Huntsville

Defense: Preston S. Trousdale, Jr., *Trousdale Ryan, P.C.*, Florence

Verdict: Defense verdict

Circuit: **Madison**, 4-16-24

Judge: D. Alan Mann

On 10-31-18, Kathy Saladino was driving a 2013 GMC Terrain SUV as she traveled on Hwy 72 in Huntsville. Although the record is unclear on this point, it appears that Alice Pickrell was riding with her as a passenger.

At a point near the intersection with Christopher Drive, the Saladino

Maybe you’ve never seen the Year in Review. We’re on the 23<sup>rd</sup> edition, the first being published in 2002! This year’s edition (at 574 pages) summarizes, chronicles and makes sense of some 5,221 Alabama verdict results.

We’ve reproduced a small portion of the book (the Million Dollar Results) in this snapshot that reflects a quick look at the largest verdicts of the last quarter-century as well as all the 300 million-dollar plus results

Available in the online store – [Order the 2024 Year in Review](#)– On Sale for \$409.00

**The 2002-2024 Million Dollar Verdicts at a Glance**  
The 300 results are sorted in order from largest to smallest (2024 results in *bold*)

County	Case#	Verdict	Description
Madison	1065	\$1,600,000,000	An insurance agent pocketed premiums -- it was later learned he'd done the same thing before
Plaintiff:	Jock Smith and Brian Strength		
Fed-Mont	947	\$1,251,680,000	A class of cattle ranchers alleged a meat packing company unfairly set prices. (The trial court later set aside this verdict.)
Plaintiff:	Joe [redacted], Randy Beard and others from out of state		
Mobile	2058	\$192,493,456	A chemist claimed a company and its subsidiary stole his ideas for turning an unwanted by-product of their manufacturing process into a valuable industrial material.
Plaintiff:	George W. Finkbosh, III, Victor T. Hudson, William W. Watts, and David A. Bagwell		
Clarke	5198	\$160,000,000	A tractor-trailer driver was rendered a quadriplegic due to a rollover crash that happened when another motorist crossed the centerline; plaintiff pursued claims against the manufacturers of the tractor and alleged the tractor and its seating system were defective and failed to protect him during the rollover.
Plaintiff:	Benjamin E. Baker, Jr., Kendall C. Dunson Wyatt P. Montgomery Ralph Edward Massey, III Matthew C. Drinkard		
Dallas	4714	\$151,791,000	A passenger in a Ford Explorer was paralyzed in a rollover crash; he blamed his paralysis on the allegedly defective design of the Explorer.
Plaintiff:	J. Greg Allen, LeRoy N. Boone, Kendall C. Dunson		
Baldwin	3532	\$140,000,000	A patient died after a hospital outsourced its medical transcription service to India to save money; a doctor's dictated order for "8 units" of insulin was transcribed as "80 units," and the unreviewed transcription was copied by a social worker onto a form that was then used to determine the patient's dosage level after she was transferred elsewhere for rehabilitation.
Plaintiff:	George W. "Skip" Finkbosh, Toby D. Brown, J. Brian Duncan, Jr., David [redacted]		
Bullock	421	\$122,000,000	A front-seat passenger in a GM sedan sustained a serious head injury in a head-on offset crash. Plaintiffs criticized weakness in the structure of the car. The jury awarded plaintiff \$20,000,000 in compensatory damages, five times that in punitive. This plaintiff is the son of the sitting circuit court clerk in Bullock County.
Plaintiff:	Greg Allen, Jesse Beasley, Lynn Jinks and Walter McGowan		
Montgomery	2391	\$114,247,233	Drug companies that failed to pass on the true cost of drugs to Alabama's Medicaid system were liable for Medicaid's excess reimbursements.
Plaintiff:	Jesse L. Beasley, Clinton C. Carter, W. Daniel Miles, and Gaine O'Flair		

**The Million Dollar Verdicts, continued**

Mobile	2054	\$108,000,000	A landfill operator faced a shut-down of its business, plus massive environmental clean-up costs after it was discovered that a pipe coating company had been dumping hazardous waste in the landfill for over two years.
Plaintiff:	Robert T. Cunningham, Jr., Toby D. Brown, and Bryan E. Comer		
Montgomery	2675	\$78,443,572	A drug company that failed to pass on the true cost of drugs to Alabama's Medicaid system was liable for Medicaid's excess reimbursements.
Plaintiff:	Jesse L. Beasley, W. Daniel "Dee" Miles, III, Clinton C. Carter, A. Clay Rankin III, Gaine O'Flair, II, Windy C. Bitzer, Roger L. Bates, Tracy Reynolds Davis		
Fed-Mon	3258	\$64,100,000	A casino (and related charities it associated with) alleged a rival casino conspired with a local sheriff to shut out the casino from competing in the local market.
Plaintiff:	Stephen O. Heminger, Gayle Douglas, Michael T. Samsbury, Robert K. Spotswood		
Franklin	3060	\$61,381,343	A software company sold a pet food company business software that did not function as represented and caused the pet food company many mistakes in invoices and shipping.
Plaintiff:	David G. McDowell, Jr., Jesse White, Christian King, Stephen I. Rowe, C. Meade Hatfield		
Baldwin	2142	\$50,000,000	A gas-powered water heater malfunctioned and leaked gas into the garage of a newly-built home; when the homeowner tried to light the pilot light, the gas exploded and caused him to suffer extensive burns from which he later died.
Plaintiff:	Joseph M. Brown, Jr., David S. Cain, Jr., George W. Finkbosh, III		
Hale	337	\$43,800,000	The Chandler family near Moundville alleged a pipeline company contaminated the area's groundwater with gasoline. Punitives of \$37,000,000 were assessed.
Plaintiff:	Robert Prince, Charles Pearson, Gregory Pearson, Andrew Southard, and James Seale		
Mobile	2965	\$40,000,000	A teen driver was ejected from her 1999 Kia Sephia and died in a crash; her estate blamed Kia for having installed a seatbelt that "falsely latched" and for not having recalled the vehicle.
Plaintiff:	George W. Finkbosh, III, Toby D. Brown, Robert L. Mitchell, David G. Wilkes		
Madison	3028	\$37,500,000	After a police officer who responded to a domestic violence call at a restaurant was shot by a drunken restaurant employee, the officer's widow blamed the restaurant for serving the employee alcohol.
Plaintiff:	Matthew C. Munner, James R. Marcus, III		