

# The Alabama Jury Verdict Reporter

The Most Current and Complete Summary of Alabama Jury Verdicts

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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.

**Auto Negligence - Plaintiff claimed to have suffered multiple disc bulges and soft-tissue injuries in a rear-end crash; defendant disputed the causation of the disc bulges, and the jury awarded plaintiff damages that were less than 65% of her claimed medical expenses**

*Gadsden v. Johnson*, 22-900011

Plaintiff: John T. Stamps, III, *The Stamps Law Group, LLC.*, Bessemer; and Taylor T. Perry, Jr., *Manley Traeger Perry Stapp & Compton*, Demopolis

Defense: Amanda Graham, *Gaines Gault Hendrix, P.C.*, Birmingham

Verdict: \$15,000 for plaintiff

Circuit: **Jefferson**, 2-7-24

Judge: Reginald L. Jeter

On 7-12-21, Jerralyn Gadsden was driving on Eastern Valley Road in Bessemer. Behind her and traveling in the same direction was a vehicle being driven by Elizabeth Johnson. Gadsden stopped for a red light at the intersection with I-459 and had the intention of continuing on through the intersection onto the interstate.

As Johnson approached from behind, she saw that Gadsden was stopped. Johnson applied her brake and began to slow down. Just as she reached Gadsden's position, however, Johnson's foot slipped off the brake pedal, and she rolled into the rear of Gadsden's vehicle.

Johnson would later characterize the impact as a mere "bump" that left no discernible damage to her vehicle. For her part, Gadsden thought the impact was significant enough that it pushed her into the intersection where passing vehicles were forced to drive around her.

In any event, Gadsden suffered to bulging discs in her neck, a bulging disc in her back, and soft-tissue injuries to her left shoulder, all of which she attributed to the crash. She later followed a course of physical therapy, and her incurred medical expenses totaled \$24,032.

Gadsden filed suit against Johnson and alleged counts for negligence and wantonness. Additionally, Gadsden named her own insurer, Allstate, as a co-defendant on an underinsured motorist claim. Allstate opted out of the case.

The litigation proceeded on the remaining claims. Johnson defended the case and minimized Gadsden's claimed injuries. In particular, Johnson argued that Gadsden's disc bulges were later injuries that had not been caused by the crash.

The case was tried for three days in Bessemer with Gadsden seeking an award of \$200,000. At the close of proof, she dismissed her claim for wantonness. The jury then deliberated for approximately three hours solely on the claim for negligence. The verdict came back for Gadsden in the amount of \$15,000. The court entered a judgment consistent with the verdict.

**Case Documents:**

[Final Judgment](#)

## A Notable Mississippi Verdict

**Truck Negligence - The plaintiff complained of an L4-5 disc injury (it led to a decompression surgery and the need for a future fusion surgery) after a sideswipe interstate collision with a trucker**

*Criss v. Roll-Offs Trucking*, 3:22-457  
Plaintiff: Rocky Wilkins, Paul V. Ott and Nicholas A. Puckett, *Morgan & Morgan*, Jackson, MS

Defense: Jason H. Strong, *Daniel Coker Horton & Bell*, Jackson, MS and C. Landon Kidd, *Copeland Cook Taylor & Bush*, Ridgeland, MS

Verdict: \$310,000 for plaintiff  
Court **Jackson, Mississippi Federal Court**

Judge: Kristi H. Johnson  
Date: 2-22-24

It was 11-9-20 and Brant Criss, then age 42, was driving a Toyota Corolla sedan on I-55 in Madison County. Suddenly he was sideswiped by a trucker, Jody White who was driving a big rig for Roll-Offs Trucking. That initial impact caused Criss to fish tail.

The Criss Corolla then spun in front of the tractor-trailer as White hit the brakes. There was then a second impact which caused Criss's vehicle to slide off the road and into the emergency lane. It was a moderate collision although the parties contested its severity. What they did not contest was that White was solely at fault.

Criss initially had a course of conservative care which included seeing a chiropractor and having physical therapy and an ESI. Criss was ultimately referred to a neurosurgeon, Dr. Orhan Ilercil, who performed an L-5 decompression surgery on 4-17-23. There was proof Criss will likely require a future fusion surgery.

Ilercil confirmed the injury and the

future course of care and linked it all to the collision. Criss also relied at trial on his treating chiropractor, Dr. Mark Ray. Finally a life care planner, Kathy Smith, quantified his future medicals at \$269,406.

Criss originally sued Roll-Offs Trucking in Madison County. The defendant removed the case to federal court. If Criss prevailed at trial he sought his medical bills (\$177,533) plus sums for future care and lost wages. The jury could also award him non-economic damages in a single line category on the verdict form.

The defense of the case minimized the claimed injuries. An IME for Roll-Offs Trucking, Dr. Lynn Stringer, Neurosurgery, believed an MRI suggested degenerative changes and moreover there was no "structural injury" to Criss' spine. Stringer further testified that, (1) the surgery was not crash related, and (2) Criss had suffered just a temporary soft-tissue injury.

This case was tried for three days in Jackson. The jury deliberated damages only. The verdict form first asked: Has the plaintiff sustained damages that were proximately caused by the accident. The jury said yes. Then moving to damages the jury awarded Criss medicals of \$177,533 (as claimed) plus \$25,000 for future care. His lost wages were \$9,817. The jury added the odd number of \$97,650 for non-economic damages. This resulted in a total verdict of \$310,000.

A consistent judgment was entered by the court. Roll-Offs Trucking has since satisfied it and the case is closed.

## A Notable Tennessee Verdict

**Auto Negligence - A handyman complained of radiating neck pain after a minor parking lot collision that slows his work and which may require a future repair surgery – the verdict form did not include a line for "lost earning capacity" and when the jury asked about it during deliberations, the trial judge handwrote a line on the verdict form, the jury then awarding the handyman \$325,000 for this category of damages – in a since-filed motion for a new trial, the defense has challenged the "change-the-verdict-form-while-they-deliberate" scheme**

*Price v. Acer Landscape Services*, 22-1371

Plaintiff: J. Thomas Mihalczko, III and Brandon E. Bass, *Law Offices of John Day*, Brentwood

Defense: Britton J. Allan and Hayley E. Vos, *Ortale Kelley Law Firm*, Nashville

Verdict: \$703,105 for plaintiff  
Court: **Nashville, Tennessee Davidson Circuit Court**

Judge: Amanda McClendon  
Date: 1-31-24

Kenneth Price, age 55, is a local handyman and operates a company called Handyman Extraordinaire. Price does all of kinds of work, whether it be drywall, hanging blinds, replacing faucets and so on. He does it all.

On the morning of 7-19-21 Price was on his way to work. As is his custom, he stopped at a gas station to get cigarettes, snacks and water for his day. He was parked in the gas station parking lot in the official vehicle of all handymen everywhere, namely, a non-descript white van. At the same time, Albert White was driving a landscape truck for his employer, Acer Landscape Services.

White cut it too close in trying to