

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.

Auto Negligence - Plaintiff suffered multiple fractures in a head-on collision with a teenager who had crossed the centerline during a high-speed "road rage" chase with a third vehicle; in addition to suing the teenager for causing the crash, plaintiff sued the teenager's mother for entrusting her car to him despite knowing he had a "trigger temper" when he didn't take his schizophrenia and bipolar medications

Smith v. Benford, 22-901243

Plaintiff: J. Barton Warren, *Warren & Simpson, P.C.*, Huntsville

Defense: Clifton S. Price, II, *Kracke & Price*, Leeds

Verdict: \$1,400,000 for plaintiff

Circuit: **Madison**, 1-30-25

Judge: Donna S. Pate

In 2022, Perrione Benford, then age 19, was living with his mother, Tamica Benford, in Huntsville. Perrione had a long history of medical issues that included schizophrenia, bipolar disorder, ADHD, and seizures. Perrione's conditions were controlled with medication, but he often didn't regularly take his medication. When he was off his medication, Perrione was said to have a "trigger temper."

In the evening of 8-10-22, Perrione was driving a 2009 Dodge Challenger owned by his mother. He was traveling west on Sparkman Drive in Huntsville when he apparently became involved in some kind of altercation with the driver of a white Kia.

As it happened Perrione had not taken his medication for some seven days. His temper was thus on a hair trigger, and this set the stage for the altercation to escalate into a "road

rage" incident. Perrione and the Kia began chasing each other at speeds that reached an estimated 70 mph in a 40 mph zone.

Just as the chase was reaching its peak, Tamara Smith approached from the opposite direction in a 2012 Chevrolet Malibu. Perrione's Challenger made contact with the Kia, and this caused Perrione to cross the centerline. In the next instant he collided with Smith in a head-on crash that totaled her vehicle and disabled Perrione's Challenger. The Kia fled the scene, and the driver was never identified.

Smith suffered extensive injuries in the crash. They included comminuted right hip fractures and a fractured right patella. She underwent surgery for her injuries. Smith's medical expenses totaled \$111,365. Approximately a year after the surgery x-rays revealed she had severe post-traumatic arthritis. It is believed that in the future she will require a total hip replacement.

Smith filed suit against Perrione on counts for negligence and wantonness. She blamed him for driving recklessly and crashing into her. In addition to her other damages, Smith, who had worked as a certified nursing assistant, claimed lost wages of \$77,760 for the 20 months she was unable to work during her recovery.

Additionally, Smith also named Tamica (Perrione's mother) as a co-defendant on a claim for negligent entrustment. According to Smith, Tamica either knew or should have known that Perrione's medical history made it unsafe for him to drive her car.

Amusement Negligence - A teenage girl fell from a rock climbing wall (she'd forgotten to clip in) and suffered bilateral ankle fractures and ligament damage – she settled her claim before trial against the rock climbing amusement for \$270,000 in a deal that was approved by the presiding trial judge

Kornegay v. High Point Climbing, 2:21-505

Plaintiff: Michael C. Bradley, *Pittman Dutton Hellums Bradley & Mann*, Birmingham

Defense: Neal D. Moore, III and Priscilla K. Williams, *Christian & Small*, Birmingham

Verdict: \$270,000 for plaintiff (Settled)

Federal: **Birmingham**, 9-3-24

Judge: Nicholas A. Danella

Kinsley Kornegay, then age 12, visited the High Point Climbing facility (it is a rock climbing amusement) in Birmingham. It features a Lava Wall attraction. The Lava Wall (it's 25-feet high) is fast-paced and requires climbers to climb quickly and press buttons and other features along the way. If climbers do not reach the top quickly enough, the "volcano" erupts and climbers have failed.

Kornegay had climbed the Lava Wall and was familiar with the process. It required her to clip in to the safety system, the so-called "auto-belay." Kornegay was well aware she needed to clip in and had been so instructed by High Point staff.

As fate would have it, Kornegay forgot to clip in. Was it because she was a twelve-year old girl and was essentially climbing unsupervised? Was it because the Lava Wall is distracting with its lights, buttons and fast pace? Who knows? Whatever the reason, she climbed the wall and reached the top.

Kornegay then pushed off (like rappelling) with the auto-belay. But because she was not clipped in, she fell to the bottom of the wall. She suffered bilateral ankle fractures in the fall as well as ligament damage. She underwent several surgeries and a complex recovery course.

Thereafter Kornegay sued High Point in this lawsuit and alleged negligence by it. The theory that advanced was that the nature of the Lava Wall (all as explained by her rock climbing amusement expert, Daniel Hague) was that it was distracting. That distractive nature along with the failure to properly supervise Kornegay led to the failure to clip and the accident. High Point denied fault and believed Kornegay was to blame for failing to clip in.

As a pretrial approached in fall of 2024 (there was no trial date at this time), the parties entered a settlement. High Point agreed to pay Kornegay to resolve the matter. There was then a motion made for the presiding Judge Danella to approve the settlement.

The court conducted a hearing and concluded the settlement was just, fair, and in Kornegay's best interest. She was 17 and a still a minor at the time of the settlement.

The terms of the deal were as follows. Kornegay's father had agreed to purchase an annuity on his daughter's behalf for \$133,408. The remaining \$136,191 was dispersed as follows, \$108,000 (40% for the attorney's fee), \$14,551 to resolve a BlueCross BlueShield lien and the remainder for expenses. The settlement has been paid and the case is now fully resolved.

Case Documents:

[Summary Judgment Order](#)

[Final Order Approving Settlement](#)

Underinsured Motorist - Plaintiff was injured in a car crash and pursued a UIM claim against his own insurer after the insurer refused to consent to plaintiff's settlement with the tortfeasor

Howell v. State Farm, 22-900022

Plaintiff: Ryan J. Canon, *Morris Bart, Ltd.*, Mobile

Defense: Thomas Ryan Luna, *Helmsing Leach Herlong Newman & Rouse, P.C.*, Mobile; and Matthew A. Laymon, *Webster Henry Bradwell Cohan Speagle & DeShazo, P.C.*, Mobile

Verdict: \$275,700 for plaintiff

Circuit: **Mobile**, 5-9-24

Judge: Michael A. Youngpeter

On 12-31-20, Michael Howell was driving on U.S. 98 in Mobile County. At a point near the intersection of Firetower Road and Camelia Drive, Howell became involved in a collision with a vehicle being driven by Taylor Wilbur.

The record provides no further information on how the crash happened. Nor does it describe the nature of Howell's claimed injuries or the amount of his medical expenses.

In any event, Howell filed suit against Wilbur and blamed him for causing the crash. Additionally, Howell presented an underinsured motorist claim against his own insurer, State Farm. Howell's policy with State Farm provided UIM coverage of 250/500.

The record in this case is somewhat confused. However, it appears that Wilbur had insurance coverage of \$50,000, and Howell attempted to settle with him for that policy limit. It further appears that State Farm allegedly declined to consent to the settlement.

The litigation then apparently proceeded against State Farm on the UIM claim. Although Howell claims that State Farm conducted an