

# 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.

### **Medical Negligence - An elderly man with a history of coronary artery disease and a previous bypass graft complained of shortness of breath and pain in his back and shoulder; when the man died before the bypass graft could be redone, his estate criticized his cardiologist for delaying the procedure until after a scheduled cataract surgery**

*Estate of Haas v. Galla, et al.*, 21-901463

Plaintiff: George W. Finkbohner, III, Lucy E. Tufts, David G. Wirtes, Jr., and Carmen Chambers, *Cunningham Bounds, LLC.*, Mobile

Defense: Tamela E. Esham, Scott G. Brown, and Matthew W. Smith, *Armbrecht Jackson, LLP.*, Mobile  
Verdict: \$50,000,000 (punitive damages) for plaintiff

Circuit: **Mobile**, 3-12-26

Judge: Ben H. Brooks

By December of 2020, Daniel Haas, then age 66 and a longtime insulation contractor (he was well-respected in the community and served on corporate and social boards including the Country Club of Mobile and a Mardi Gras society), had accumulated a lengthy history of coronary artery disease. That history included a coronary artery bypass graft he had undergone some ten years earlier in 2010.

On 12-24-20, the day before Christmas, Haas returned from a hunting trip and was experiencing shortness of breath along with severe pain in his back and shoulders. In the evening of the next day Haas phoned Dr. John Galla, an interventional cardiologist in Mobile, and described his symptoms.

Dr. Galla instructed Haas to take it easy and to come in to the office on Monday, 12-28-20 for an EKG stress

test and a nuclear stress test. Haas complied with that instruction and presented to Dr. Gallo's office that Monday where he was seen by Nurse Practitioner Ruth Wagner.

Wagner performed the examination and the stress tests. The results were abnormal, but Dr. Galla did not see the results until the afternoon of the following day when Haas's wife, Barbara Haas, made some phone calls to inquire into the results.

Thereafter someone from Dr. Galla's office phoned Haas and instructed him to go to the ER at Springhill Medical Center for admission and catheterization. Haas went to the medical center and Dr. Galla performed the catheterization on 12-30-20.

Following the procedure Dr. Galla diagnosed Haas with unstable angina. He phoned Barbara and told her the catheterization indicated "there wasn't anything that couldn't be fixed." This "fix" included placing Haas on blood thinners preparatory to redoing the coronary bypass.

However, Dr. Galla delayed this plan because Haas had scheduled an upcoming cataract surgery, and the blood thinners would have interfered with the surgery. Instead, Haas was released to return home that morning with the idea that Dr. Galla would redo the bypass at some time after the cataract surgery.

Haas later complained of feeling uncomfortable after returning home. At around 7:00 a.m. the next morning on 12-31-20, Barbara (his wife of 37 years) found that Haas had died in bed. His official cause of death was listed as acute cardiac ischemia due to coronary artery

## Historical Alabama Verdicts

**Civil Rights - The plaintiff, then age 18, was walking in a commercial district in downtown Montgomery at the same time a police officer was investigating a burglary – the plaintiff ran when he from the policeman who fired at him under Alabama’s then “Fleeing Felon” law because the officer felt the plaintiff was dangerous – the plaintiff (he wasn’t a burglar or a fleeing felon) was struck in the spine which resulted in a paralyzing leg injury – he alleged a civil rights violation regarding the shooting and took \$100,000 at trial, the 11<sup>th</sup> Circuit subsequently affirming the verdict**

*Pruitt v. City of Montgomery*

Plaintiff: Dennis C. Sweet, III and Ira Burnim, *Southern Poverty Law Center*, Montgomery

Defense: Robert C. Black, *Hill Hill Carter Franco Cole and Black*, Montgomery

Verdict: \$100,000 for plaintiff

Federal: **Montgomery**

Judge: Myron Thompson

Date: July 28, 1984

Darryl Pruitt, then age 18, was walking downtown in Montgomery on the evening of 9-2-82. A citizen heard sounds in a local business and called the police to report an apparent burglary. A Montgomery police officer, Lester Kidd, began an investigation. Kidd observed Pruitt in bushes near the business. Pruitt was not in fact involved in a burglary and there was no burglary at all

Pruitt fled on foot. Kidd fired his shotgun at Pruitt because he believed under Alabama’s then Fleeing Felon law that Pruitt was dangerous. Pruitt was hit twice. The shot to the spine left him with a paralyzing leg injury. The buckshot also struck him in the buttocks, hand and scrotum. Pruitt treated extensively for his injuries.

Pruitt sued the City of Montgomery and alleged the shooting violated his civil rights. He wasn’t a burglar and posed no danger. He asked the jury for an award of \$250,000. The government replied that Kidd’s conduct was compliant with the Fleeing Felon standard because he believed Mendoza represented a danger. Kidd would testify Pruitt ran away like “O.J. Simpson.” The defense also attacked Pruitt’s character and portrayed him as a bad egg after having been “thrown out of high school.”

The presiding Judge Myron Thompson was not impressed. He granted a summary judgment on liability for Pruitt. The case was tried in July of 1984. Pruitt prevailed and took damages of \$100,000.

Judge Thompson’s summary judgment had correctly presaged the status of “Fleeing Felon” laws. The U.S. Supreme Court invalidated those laws in *Tennessee v. Garner*, 471 U.S. 1 in March of 1985. Judge Byron White wrote the opinion.

The City of Montgomery appealed the Pruitt verdict. The 11<sup>th</sup> Circuit (Judge Lanier Anderson, III writing) affirmed in September of 1985. It relied on the three-part test announced in the recently decided Garner case (referenced above) and resolved it on the first question. That is, there was no evidence that Pruitt was a threat and the shooting was not justified. A few months later Pruitt received a check for \$117,871, representing the verdict plus interest.

**Auto Negligence - A group of prominent Dothan businessmen were traveling to Miami, FL for the famed Sharkey-Stribling fight in February of 1929 when the driver ran off a bridge and plunged 20 feet into a swamp near Chattahoochee Florida – the plaintiff (a passenger and operator of Dothan’s toney Wadlington Hotel) sued the driver and alleged negligence – a Dothan jury awarded the plaintiff \$6,000 at a jury trial two years later**

*Wadlington v. Lewis*

Verdict: \$6,000 for plaintiff

Court: **Houston** (Circuit)

Judge: H.A. Pearce

Date: February 25, 1931

A group of prominent Dothan businessmen traveled to Miami, FL on 2-24-29. They were going to see the heavyweight prize fight between Jack Sharkey and Young Stribling. It was an epic fight. Some 40,000 fans saw the fight at Miami’s Flamingo Park (it was promoted by Jack Dempsey) and had the largest purse for a professional fight until the Lister-Clay fight in 1964.

The party from Dothan included J.C. Wadlington who operated the Wadlington Hotel in downtown Dothan. It was easily the city’s finest hotel. Also along for the trip was G.M. Lewis, a local Coca-Cola bottler. It was his car. Driving that car was Dr. W.L. Address, the wealthy owner of a car dealership.

The party would never make it to Dothan. As they drove near Chattahoochee, Florida (not far into the trip), Address lost control at a bridge. The vehicle (make unknown) plunged 20 feet into the swamp below. Address was killed. Wadlington suffered soft-tissue injuries, lacerations and bruises. The report of the accident was front page news in the Dothan Eagle, and local residents were shocked.

Wadlington filed this lawsuit

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