

# 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.

**Wantonness - Three nurse practitioners who worked for a psychiatric counseling service and had signed non-compete agreements opened their own competing service and solicited their former employer's patients; the former employer filed suit on a variety of counts, including wantonness, and was awarded damages that were three times the compensatory damages**

*NAFPC, LLC. v. Waldrop, et al., 22-900863*

Plaintiff: F. Taylor Rouse, *Cloud Ryan & Rouse, LLC.*, Huntsville  
Defense: Brian M. White, *White & Iverson, LLC.*, Decatur

Verdict: \$8,000,000 for plaintiff (comprised of \$2,000,000 in compensatory damages and \$6,000,000 in punitive damages)

Circuit: **Madison**, 8-29-24

Judge: D. Alan Mann

In 2015, North Alabama Family Psychiatry and Counseling, LLC. (hereinafter, "NAFPC") opened its doors for business. The company provides psychiatric and counseling services to residents of Madison County.

By the spring of 2019, NAFPC had expanded its client base enough that the company needed to hire some nurse practitioners and counselors. In April of 2019 the company hired Doris Bell, in September of 2019 it hired Angela Waldrop, and in February of 2020 it hired Katy Cousart.

All three women were nurse practitioners, and all three signed non-compete agreements that forbade them from soliciting or treating NAFPC's patients for two years after leaving NAFPC's

employment. All three also agreed to give NAFPC ninety days notice in the event they decided to end their employment.

The three nurse practitioners worked under a so-called "collaborative practice" model. Under this model, the nurse practitioners treated patients directly, though they did so under the supervision of NAFPC co-founder Dr. Anika Wilson.

In 2021, all three nurse practitioners formed their own LLCs. The trio also formed an entity called Lighthouse Psychiatry & Behavioral Health Clinic, LLC. on 7-29-21. This was all done without the knowledge of NAFPC.

Around that same time the three nurse practitioners began downloading from NAFPC's electronic record keeping system the records and personal information of hundreds of patients. The trio then solicited many of those patients to switch from NAFPC to Lighthouse for their counseling services.

In August and September of 2021 the three nurse practitioners informed NAFPC that they were terminating their employment. Even after that, however, they continued to download patient information using another NAFPC employee's login credentials.

Lighthouse began marketing its services in direct competition with NAFPC as early as 9-1-21. The new company would also operate under a collaborative practice model, this time under the supervision of Dr. Donna Scott.

When NAFPC realized what was happening, it filed suit against

wind knocked his vehicle into the

It was Dr. Kang's job to provide

court entered a judgment that



*A collage of pictures from the scene of the Beard v. Gulf Distributing collision*

Beard pick-up truck.

The plaintiffs (Beard and Washington) both treated for the aggravation of pre-existing cervical and lumbar conditions. Their treatment was wide-ranging and included physical therapy, steroid injections and RFA therapy. Beard's incurred medical expenses came to \$40,392, while Washington's medical expenses were \$111,658.

Beard and Washington filed suit against Essex and Gulf Distributing. Plaintiffs blamed Essex for causing the crash, and they targeted Gulf Distributing on claims for vicarious liability and for wantonness and for negligent training, supervision, and retention. Finally, Washington's common law wife, Lashanna Mosley, presented a derivative claim for her loss of consortium. If successful, plaintiffs sought both compensatory and punitive damages.

Plaintiffs identified a number of experts in this case. They included Dr. David Kang, Life Care Plan, Des Plaines, IL; Dr. Thomas Pontinen, Life Care Plan, Chicago, IL; Dr. Timothy Coleman, Meteorology, Birmingham; and Paul Dillard, Transportation Safety, Birmingham.

the life care plan for Beard. According to Dr. Kang, Beard's future medical expenses were \$651,565. Washington's life care plan was provided by Dr. Pontinen, who estimated Washington's future medicals at \$1,606,007.

Mosley later died of cancer on 12-2-21, and her claims were dismissed. Defendants admitted liability on plaintiffs' negligence claims relating to the crash itself but disputed the claims for wantonness and for negligent training, supervision, and retention. The identified defense experts included Michael Fryar, Life Care Plan, Mt. Pleasant, SC; and Dr. Paul Lynch, Pain Medicine, Scottsdale, AZ.

The case was tried for three days in Mobile. The jury began deliberations on 4-9-25 but were unable to complete their work. The jury returned the next day and reached a verdict that awarded compensatory damages to Beard in the amount of \$1,617,800 and to Washington in the amount of \$1,688,800. The jury awarded zero punitive damages on the wantonness claim.

That brought the final verdict to a combined total of \$3,306,600. The

reflected the verdict.

**Case Documents:**

[Pretrial Stipulations](#)

[Jury Verdict](#)

[Final Judgment](#)

**Medical Negligence - A woman presented three times in less than two weeks to an urgent care facility with increasingly worsening symptoms that included abdominal pain and nausea; after the woman later died from a ruptured appendix and septic shock, her estate blamed her death on the nurse practitioner at the urgent care facility for failing to diagnose her condition correctly**

*Estate of Powl v. Stephens, et al., 22-901016*

Plaintiff: Mark J. Upton, *Daniell Upton Anderson Law & Busby, P.C.*, Daphne

Defense: Richard E. Crum and Kelly W. Harmon, *Crum & Harmon, LLC.*, Dothan

Verdict: Defense verdict

Circuit: **Baldwin**, 9-27-24

Judge: C. Joseph Norton

On 9-9-20, Sara Powl presented to an urgent care facility called Southern Rapid Healthcare, Inc. in Orange Beach. Powl was evaluated by Shelia Stephens, a nurse