

The Alabama Jury Verdict Reporter

The Most Current and Complete Summary of Alabama Jury Verdicts

May, 2026

Statewide Jury Verdict Coverage - Published Monthly

26 A.J.V.R. 5

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/Wastewater

Negligence - A chicken processing plant accidentally dumped over 200,000 gallons of wastewater into a river which caused a boat repairman to develop a bacterial infection that led to necrotizing fasciitis; the repairman suffered gruesome permanent wounds that will eventually lead to his death

Griffin v. Tyson Farms, Inc., et al.,
20-900242

Plaintiff: Dennis E. Goldasich, Jr. and Joshua M. Vick, *Goldasich Vick & Fulk*, Birmingham; Robert O. Bryan and Clay Boylen, *Nelson Bryan Boylen & Cross*, Jasper

Defense: Edward S. Sledge, IV, William S. Cox, III, Hillary C. Campbell, Hilary M. Williamson, and Nicholas Fordice, *Bradley Arant Boult Cummings, LLP*,

Birmingham/Dallas, TX, for Tyson Farms; J. Alex Wyatt and Alexander V. Makarenko, *Wilson Elser*

Moskowitz Edelman & Dicker, LLP., Birmingham, for Hydraservice
Verdict: \$70,000,000 for plaintiff (comprised of \$45,000,000 punitive damages against Tyson Farms and \$25,000,000 compensatory damages against Hydraservice)

Circuit: **Walker**, 3-27-26

Judge: Joeletta Martin Barrentine
Life has been challenging for Mark Griffin. In 1990 he was involved in a motor vehicle accident that left him a T12 paraplegic. Despite this limitation Griffin got on with his life and built a career as a boat repairman. He spent his life on the water.

By 2019 Griffin, then age 48, had been active in that career for some twenty years. The nature of his work

required him to spend nearly every day on the "Mulberry Fork" of the Black Warrior River where he would routinely be exposed to water. Additionally, the drinking water for the town of Dora where Griffin resides comes from the Mulberry Fork.

Some 25 to 30 miles away from Dora is the city of Hanceville in Cullman County where a company called River Valley Ingredients, a d/b/a of Tyson Farms, Inc., has a chicken processing facility. The facility is situated only a few miles from the Mulberry Fork.

The facility routinely produces large amounts of wastewater that must be treated in various ways in accordance with environmental laws and regulations. This process is overseen by the Jasper Water Works and Sewer Board (hereinafter "JWWSB").

It is standard practice at the Tyson facility to hold the wastewater temporarily in large "lagoons" and then transfer it to different lagoons at different stages of the treatment process. This transfer process is carried out via pipes and related equipment that Tyson rents from a company called Hydraservice, Inc.

On 6-6-19, one of the transfer pipes failed and resulted in the release of over 200,000 gallons of untreated wastewater into the Mulberry Fork. The following day Tyson released a public statement advising residents not to engage in recreational activities in the Mulberry Fork.

Griffin would later claim he did not know about Tyson's public statement. Instead, he heard about the wastewater spillage sometime later via rumor and word of mouth.

Historical Alabama Verdicts

Wrongful Death - A teenage girl was killed instantly in a head-on collision in front of her high school when the defendant (drunk and racing another driver) crashed into her – her estate took \$2.75 million damages (then the largest death verdict for a minor in Alabama) which would be some \$7.3 million in 1989 dollars

Hoffman v. Clardy

Plaintiff: Richard M. Jordan,
Montgomery

Defense: Michael B. Beers, *Beers
Anderson Jackson & Smith*,
Montgomery

Verdict: \$2,750,000 for plaintiff

Court: **Montgomery**

Date: January 1989

Norma Hoffman, age 16, was an honor student at the former Jefferson Davis High School in Montgomery in 1986. She had the bad luck to be driving by the school late on the evening of August 30, 1986. That same night, Thomas Clardy, age 38, was racing another driver, James Kervin, on the adjacent Carter Hill Road.

Clardy was drunk. His BAC would later be measured at .21. He was also speeding in a pick-up truck (with a Clardy Real Estate sign affixed) at 80 mph. He lost control as he attempted to pass Kervin. Clardy struck Hoffman head-on. Both were killed instantly.

Hoffman's mother filed a lawsuit against Clardy, his real estate company, and Kerwin. The case came to trial in January of 1989. The jury exonerated Kerwin. It found against Clardy and the real estate company, imposing damages of \$2.75 million. The trial court conducted a post-trial hearing and approved the damages. Clardy and his company appealed.

The Alabama Supreme Court

affirmed in June of 1989. It held that the verdict was appropriately entered against both Clardy and his real estate company. It also approved the award of damages. The result was called the largest to date in Alabama involving the death of a minor. The \$2.75 million verdict would be in the range of \$7.3 million in 2026 dollars.

Products Liability/Wrongful Death - Two brothers burned to death and their parents suffered burn injuries when their 1980 Chevrolet Chevette burst into flames after being rear-ended– the plaintiffs pursued a products liability claim against GM regarding the fuel tank design and prevailed at a 1983 jury trial taking \$4.075 million – the verdict was remitted to \$2.875 million and upon GM's appeal (and a cross-appeal by the plaintiffs), the Alabama Supreme Court fully affirmed in November of 1985 in an opinion that addressed novel crashworthiness issues

Edwards v. General Motors

Plaintiff: R. Ben Hogan, III, *Hogan
Smith Alspaugh Samples & Pratt*,
Birmingham

Defense: Brittin T. Coleman, *Bradley
Arant Rose & White*, Birmingham and
Byron Attidge, *King & Spalding*,
Atlanta, GA

Verdict: \$4,075,000 for plaintiffs

Court: **Jefferson**

Judge: C.W. Callaway

Date: September 28, 1983

Robert Edwards of Marion, AL was traveling to the airport in Montgomery on 4-18-81 in a borrowed 1980 Chevrolet Chevette. The vehicle was manufactured by General Motors. Edwards was going to pick up his brother. His wife (Marian) and his two young sons (Kelvin, age 7, and Reginald, age 6) were rear-seat passengers. The boys were sleeping. Edwards traveled on U.S. 80 near Haleyville in Lowndes County.

A moment later they were rear-ended by Dan Jarrett. He was speeding (his speed was disputed) and he'd been drinking. The impact ruptured the fuel tank in the Chevette and it burst into flames. Edwards kicked his wife's door and extricated her. He made efforts to

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