

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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Notable Out of State Verdict

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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.

Products Liability - Plaintiff claimed to have suffered permanent injuries due to "outgassing" that allegedly happened when he cut plywood that had been treated with formaldehyde; the manufacturer of the plywood denied there was any causal connection between plaintiff's alleged injuries and its product

Heathcoe v. Patriot Timber Products, Inc., 22-901625

Plaintiff: Alexander R. Kirkland and W. Bradford Kittrell, *Andy Citrin*

Injury Attorneys, P.C., Daphne
Defense: William A. Donaldson and David A. Hamby, Jr., *Spear Spear & Hamby, P.C.*, Mobile

Verdict: Defense verdict

Circuit: **Mobile**, 4-23-26

Judge: Michael A. Youngpeter

In October of 2020, Darrell Heathcoe (then age 62) was living with his wife, Suzanne Heathcoe, at their home in Mobile. The Heathcoes decided that Darrell would build some shelves for their pantry, so on 10-3-20 he visited the Lowe's home improvement store located at 7760 Airport Boulevard in Mobile to purchase the necessary materials.

Darrell purchased a quantity of 4 foot by 8 foot sheets of 3/4 inch thick plywood. The sheets were "Certified Top Choice Premium" plywood that had been manufactured by a company called Patriot Timber Products, Inc. The plywood was labeled with stickers that declared it to have been tested by a company called Intertek USA and found to be free of "VOC" – i.e., volatile organic compounds.

Darrell took the plywood home and in a well-ventilated area began cutting it to size. The moment he

began cutting the plywood he noticed a strong odor of formaldehyde. Additionally, his eyes began burning, his nose began running, and he began to experience shortness of breath.

Despite these symptoms, Darrell continued his work. It took him approximately two hours to complete the cutting phase of the operation. He then painted the cut plywood, took it into his home, and installed it in his pantry. The entire process took approximately 11 hours.

Upon the completion of his work, Darrell took a shower, ate a late-night snack, and went to bed. When he woke at 6:30 the following morning to go to work, he found he was still having difficulty breathing. Darrell explained the situation to his wife and also called his boss to explain he couldn't come into work that day.

Darrell then went to an Urgent Care facility. He subsequently treated with multiple physicians and says he was ultimately diagnosed with formaldehyde poisoning and toxicity. Darrell claims his injuries are permanent. He constantly needs an inhaler, mobility is difficult for him, and he is tired all the time. He also has shortness of breath and coughing on exertion and has a persistent trachiobronchial injury. This cluster of symptoms has left him unable to work and has forced him to retire.

Darrell filed suit against Lowe's, Intertek, and Patriot Timber Products and alleged multiple causes of action. They included negligence, wantonness, Alabama Extended

Historical Alabama Verdicts

Medical Negligence - The plaintiff, age 51, was treated by his internist for chest pain and 90 minutes after going home with a pain reliever, the plaintiff was dead of a sudden cardiac event – a Clay County jury awarded the plaintiff \$3.5 million which was described as the largest med mal result at the time in state history

Ingram v. Edwards

Plaintiff: Shay Samples, Birmingham

Verdict: \$3,500,000 for plaintiff

Court: **Clay Circuit Court**

Judge: George Simpson

Date: August 13, 1990

Perry Ingram, age 51, left work early on 12-14-84 from his job as a safety inspector at the Anniston Army Depot. He wasn't feeling well and had chest and abdominal pain. Ingram was seen by a long-time internist in Anniston, Dr. John Edwards.

Edwards ordered a chest x-ray and an EKG. He found nothing out of the ordinary and provided Ingram with a pain medication. Ingram went home. He was dead 90 minutes later. His death was linked to arrhythmic heart beat.

Ingram's estate (representing his widow) sued Edwards almost two years later. They alleged error by the doctor in not continuing to monitor Ingram. The plaintiff was also critical that the EKG testing was lost by the time of the trial. The suggestion was that it was destroyed and the plaintiff received an adverse inference at trial.

Edwards replied that he met the standard of care and exercised his best judgment at all times. He also explained that even by the time of trial (six years after Ingram died), the cause of death remained unknown. Essentially there was no evidence that the result would have been

different. Edwards also submitted an affidavit that the EKG (it was lost) was normal.

This case was tried in Ashland before Judge Simpson. The jury found for the plaintiff and awarded damages of \$3.5 million. That would be almost \$9,000,000 in 2026 dollars.

The verdict was a sensation almost 36 years ago. Edwards was extremely shocked and disappointed by it. A spokesman for the Alabama Medical Association explained the verdict would have a "chilling" and would lead to doctors performing "defensive medicine." How did the case turn out? There is no record of an appeal, settlement or resolution.

Conversion - The plaintiff alleged his pet monkey (he obtained the monkey after being shot down in the Philippines in WWII) was stolen after a friend borrowed it – a Birmingham jury in 1950 valued the monkey at \$500

Hardin v. Bell

Plaintiff: Jim Gibson, Birmingham

Verdict: \$500 for plaintiff

Court: **Jefferson Circuit Court**

Judge: Russell McElroy

Date: March 21, 1950

Jack Hardin had a harrowing WWII experience. He was a crewman on B-24 bomber. He was shot down in 1945 in the Philippines. Hardin was in the ocean for three hours until he was pulled ashore by natives. As Hardin recovered he bought a monkey from the natives. It was described as an eight-inch Spanish Spider monkey. **Ed. Note** - While referred to at the time as a Spanish Spider monkey, it was more likely a Philippine Tarsier monkey as Spider monkeys are, (1) much larger and a totally different primate, and (2) only found in Central and South America.

Hardin returned to his base and resumed his missions. He and the monkey too went on some 20 more

missions. The monkey had become a mascot of sorts for his bomber. In fact Hardin was shot down a second time and parachuted to safety. The monkey hung on his shoulder as he descended. Unfortunately the rest of the crew was killed.

Hardin returned home from the war and the monkey came with him. There was proof his friend, Ivan Bell, borrowed the monkey to show friends. He never returned it.

Hardin sued Bell and alleged he had converted the monkey. Bell explained it was stolen from his car near the bus station.

A Birmingham jury sorted out the matter in the summer of 1950. It found for Hardin (more than 76 years ago) and awarded him \$500 in damages.

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9462 Brownsboro Road, No. 133
Louisville, Kentucky 40241
502-644-9017
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