

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.

Negligent Security - The plaintiff, age 85 and a regular Piggly Wiggly shopper standing in the check-out line, was knocked over by a shoplifter after store managers confronted and boxed in the shopper – the woman thereafter suffered chronic headaches, dizziness, and PTSD as well as the loss of her independence until her death (unrelated) four years later – the plaintiff alleged negligent security by the grocery in dangerously confronting the shoplifter which led to the injuries

Battle v. Piggly Wiggly, 20-900040

Plaintiff: Erby Fischer, Victoria L.

Dye, Lindsay Hewitt and Jason R.

Terry, Birmingham and Walker

Garrett, Columbus, GA, all of

Morgan & Morgan

Defense: Kile T. Turner, *Norman*

Wood Kendrick & Turner,

Birmingham

Verdict: \$1,170,000 for plaintiff

Circuit: **Russell**, 7-23-25

Judge: A. David Johnson

Muriel Battle, then age 85, shopped on 3-3-18 at a Phenix City Piggly Wiggle grocery store. The store (No. 425 and located on U.S. Hwy 280) is operated by JTM Corporation. The company operates some 15 stores in the area including Columbus, GA. Battle was a regular shopper at the store and visited several times a week. She would recall that she felt like the staff, checkers, and baggers were her friends.

On this date Battle was in the check-out aisle and preparing to pay for her groceries. At the same time, Davis Key (not exactly a patron or a shopper) was also in the grocery. The meat manager saw Key conceal

\$100 or so of meat in his pants. The meat manager then contacted the store manager. The two men approached Key at the check-out aisle. Key was directly behind Battle, and the two managers in turn had boxed in Key. Battle too was trapped with her shopping cart in front of her, the aisles on both sides, and Key behind her.

The store manager spoke to Key: "Can I have a word with you?" The meat manager also put his hand on Key's arm. At this juncture the trapped Key pushed down Battle as he sought to flee the managers. She landed hard and struck her head. It left a knot on her head that persisted for years. EMS was called and Battle was taken to a local hospital.

At the time of this incident, Battle was described as living a busy and independent life. She visited shut-ins, attended church, served her community, and was otherwise active. Thereafter Battle suffered from daily migraines (these were new), dizziness, PTSD, and night terrors. She would wake up screaming. Battle's condition continued to decline, and she died four years later. While Battle's death was not linked to this incident (she had developed dementia and other conditions), her estate did allege this event was life-altering.

Battle filed this lawsuit against Piggly Wiggly (her estate continued the lawsuit after her death) and alleged a negligent security count. The plaintiff developed proof that this was first a foreseeable event. It noted that while Piggly Wiggly didn't keep records, a manager estimated there were two shoplifting events per week across the 15 area

total of \$172,827.24 from the trust to his own accounts and his law firm's accounts.

In 2020 and 2021 Charles asked Mark to pay from the trust's funds certain expenses that Mark thought were contrary to the purpose of the trust. Based on his assessment of the impropriety of the requested expenditures, Mark refused.

Charles responded by suing to have the trust dissolved. Mark hired Robert to represent him in the litigation. At some later point Mark instructed Robert to settle the case by paying Charles the remaining assets of the trust. Robert did not comply with that instruction.

In the meantime, Robert's own professional difficulties were mounting. In April of 2022 he consented to disbarment based on an investigation into his alleged mishandling of client funds. His law license was revoked on 4-20-22. Robert did not immediately inform Mark about this and instead surreptitiously hired substitute counsel to step in and handle the trust litigation.

On 8-29-22 the court granted a summary judgment that ordered the trust to be dissolved and the remaining trust principal of \$160,696.46 to be paid to Charles, along with \$10,000 in attorney fees, within seven days. The court also granted Charles's motion to compel verification that the money existed. Mark's substitute counsel admitted the money did not in fact exist, but he claimed it could be paid back to Charles. No such payment was ever made.

Both on his own behalf and as executor of his now deceased mother's estate, Charles filed suit against Mark Wilson, Robert Wilson, Jr., and Robert's law firm. Charles blamed Mark for his actions as Trustee in allowing Robert to transfer trust funds to himself

illegitimately and allowing him to retain the funds.

Charles blamed Robert for converting the funds to his own use and also made a claim for wantonness. If successful, plaintiffs sought both compensatory and punitive damages from Robert. Mark additionally filed a cross-claim against Robert for breach of contract regarding the unpaid loan.

Although the record is not entirely clear on this point, it appears that plaintiffs' claim against Mark did not survive to trial. However, Mark's cross-claim against Robert proceeded to trial along with plaintiffs' claims.

Robert defended as best he could. However, much of his defense strategy seemed to be focused on a variety of delaying tactics. Among many other things Robert filed a motion to alter, amend, or vacate the summary judgment. He also filed a motion for judgment on the evidence. Both motions were denied.

The case was tried in Jasper. Robert chose not to attend the trial, though his legal counsel attended and participated fully. The jury returned a verdict for plaintiffs against Robert and awarded them compensatory damages of \$200,000. To this amount was added another \$800,000 in punitive damages. Finally, the court awarded plaintiffs \$160,696.46 based on the summary judgment ordering the return of the trust principal. That brought plaintiffs' award to a total of \$1,160,696.46.

Mark also prevailed on his cross-claim. The court awarded him \$200,000 in compensatory damages, plus \$46,862.70 in interest. The court entered a judgment that reflected the verdict. However, the case was not yet done.

First, plaintiffs and Mark filed a motion for a "charging order" requiring that any interest Robert

might have in an entity called the Wilson Farm, LLC. be directed to the payment of the judgment. The court granted that motion.

For his part, Robert filed a motion for a new trial. The court denied his motion. He then filed an appeal of the judgment. At the time the AJVR reviewed the record, the appeal was still pending.

Case Documents:

[Jury Verdict \(1\)](#)

[Jury Verdict \(2\)](#)

[Final Judgment](#)

A Historic Alabama Verdict

Railroad Negligence - A Prattville lawyer suffered a head injury in 1916 when a gate crossing in downtown Tampa suddenly closed upon him

Ballard v. Atlantic Coast Line Railroad Montgomery County
\$4,250 for plaintiff
February 17, 1917

Eugene Ballard, a well-known Prattville attorney, went on a hunting trip to Florida in February of 1916. He was in downtown Tampa returning to the historic DeSoto Hotel. As he crossed a set of railroad tracks operated by the Atlantic Coast Line Railroad, a switchman suddenly dropped the mechanical gate. It struck Ballard in the head and knocked him out. The impact was called just a "glancing blow" and would have been much worse had Ballard been hit directly.

Ballard subsequently treated for a head injury that was described as a nervous system injury. Ballard sued the railroad in Montgomery County and alleged negligence by its switchman. He sought \$20,000 in damages. The switchman denied the incident had taken place at all.

The case was tried to a jury a year after the event. Ballard prevailed at

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