

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 - The plaintiff, a complicated patient with renal disease, alleged her medical team at UAB Hospital failed to monitor her sodium levels which led to a rare neurological condition that caused her to suffer a "locked-in condition" for several months, a lengthy recovery and ultimately permanent deficits – after a ten-day trial, a Birmingham jury found for the plaintiff and awarded \$5,000,000 in damages

Comer v. UAHSF, 20-900622

Plaintiff: Rip Andrews and Derrick A. Mills, *Marsh Rickard & Bryan*, Birmingham

Defense: Robert P. MacKenzie, III, J. Will Axon, R. Todd Huntley and Madeleine G. Harpool, *Starnes Davies Florie*, Birmingham

Verdict: \$5,000,000 for plaintiff

Circuit: **Jefferson**, 8-6-26

Judge: Marshall Jackson Hatcher

Anna Fay Comer, then age 64 and a descendant of Alabama's famed Governor Braxton Bragg Comer (1907-1911) who was prominently known for education reforms, was

entering her golden years in January of 2016. [Comer had married Gov. Comer's grandson.] A refined and educated woman (a former opera singer too), Comer lived in a hilltop mansion in her hometown of Sylacauga. The matriarch of her family, she was a happy grandmother who was affectionately referred to by the family as "Honey." Comer enjoyed giving voice lessons in the community.

Comer endured a grueling ordeal that began that January. It started when she began to feel ill on 1-20-16. She was taken to Coosa Valley Hospital. It was discovered that she was in acute liver failure. Three days later her son (Braxton B. Comer, an attorney, investor and philanthropist) appreciated she needed a higher level of care. He advocated for his mother and she was taken by ambulance that date to UAB Hospital in Birmingham. Her medical team at the hospital was comprised of doctors (critical care primarily) and nurses who are employed by UAHSF (University of

To summarize, Ms. Comer endured several breaches in standard of care: (1) failure to give hypertonic saline when there was evidence of hyponatremic encephalopathy; (2) failure to correct sodium within the acceptable therapeutic range of 4-6 mEq and/or provide therapies when sodium has been overcorrected; (3) failure to monitor electrolyte derangements closely at a minimum of every 4 hours; (4) transferring a patient to the floor when there is worsening organ failure; (5) failure to use free water deficit calculations when titrating dextrose 5% infusion replacements. More likely than not, had these breaches not occurred, Ms. Comer would not have developed CPM. It was the responsibility of the attending critical care specialist to avoid these breaches in care. She would not have required the extensively lengthy hospitalization with repeated pneumonia infections, development of multidrug resistant infections, intubation, tracheostomy, locked-in syndrome, and loss of ability to perform basic life functions and activities of daily living. I agree with Dr. Schweiger that her hepatic encephalopathy would have likely improved given the improvement in her hepatic and renal function. I also agree with Dr. Stigler and Beloposky that alcohol withdrawals did not cause her osmotic demyelination syndrome (ODS), a term often used synonymously with CPM, but does not necessarily involve imaging evidence of the injury to the pons. However, I disagree with Dr. Stigler that her ODS brain injury had nothing to do with her course of sodium concentrations.

An excerpt from the expert disclosure of plaintiff's expert, Dr. Rimawi

did not survive to trial.

The litigation proceeded on Otis's claim against Reynolds. The identified experts for plaintiff included Dr. J. Tyler Richardson, Physiatry, Homewood; and Dr. Michael Daniels, Economics, Elberta. It was Dr. Richardson's opinion that the crash worsened Otis's hernia (which necessitated surgery on 8-13-18) and his knee condition.

Dr. Daniels estimated Otis's lost income at between \$580,824 and \$621,188. The estimate was based in part on Otis's claim that his injuries made it impossible for him to return to work and thus ended his career as a drilling consultant.

Reynolds died of apparently unrelated causes on 5-1-23, some five years after the crash. The litigation continued thereafter against her estate. The defense disputed the issue of causation and argued that Otis's claimed injuries were not related to the crash.

The identified defense experts included Dr. Kenneth Jaffe, Orthopedic Surgery, Birmingham; and Jason Wells, Accounting, Montgomery. Contrary to the opinion of plaintiff's expert Daniels, defense expert Wells estimated Otis's income loss at approximately \$115,867.

Prior to trial, the defense made an offer of judgment in the amount of \$30,000. Otis rejected the offer. The case was then tried in Selma, and the jury returned a verdict for Reynolds's estate. The court entered a defense judgment.

Case Documents:

[Final Judgment](#)

Historical Alabama Verdict

Products Liability - The plaintiff suffered a catastrophic "enhanced" brain injury that she blamed on a defective seat belt design in a 1984 Chevrolet Celebrity sedan – she took a record \$13,000,000 verdict for Marion County in June of 1992 that was reversed two years later by the Alabama Supreme Court

Saint v. General Motors

Plaintiff: David H. Marsh, *Pittman Hooks Marsh Dutton & Hollis*, Birmingham

Defense: Lanny Bridgers, *King & Spalding*, Atlanta, GA and Jerry Ange, Huntsville

Verdict: \$13,000,000 for plaintiff

Circuit: **Marion**

Date: June 20, 1992

Pamela Saint, then age 32 and busy mom and nurse, was driving a 1984 Chevrolet Celebrity on 10-30-86. She traveled on CR 253 Hackleburg in Marion County. The right wheels on the vehicle drifted off the road on a low shoulder. Saint overcorrected and she lost control. Saint ran off the road and struck a tree.

Saint was partially ejected from the vehicle. She suffered a catastrophic and permanent brain

injury. She was unable to speak or walk or otherwise take care of herself or her family.

Saint sued General Motors and alleged a defect in the Celebrity's seat belt assembly. She cited a so-called "comfort" feature introduced in 1976 by GM that provided extensive slack. It was that slack, the theory went, that caused the seat belt to fail to protect her in the crash. Thus she presented a so-called "enhanced" injury case. Saint's husband presented a derivative consortium claim.

The key issue in the case was whether Saint was wearing a seat belt or not. GM argued she was not or if that if she was, she did so with too much slack.

The case came to trial in Marion County in the summer of 1992. It was heard for two weeks. The jury's verdict was for Saint and she was awarded \$13,000,000. That would be almost \$30.5 million in 2026 dollars. Her husband's consortium claim was rejected.

GM took an appeal. The Alabama Supreme Court reversed in a divided 5-4 opinion in August of 1994. While GM had presented some 17 assignments of error, the high court focused on just one. GM had argued



A 1984 Chevrolet Celebrity

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