

The Alabama Jury Verdict Reporter

The Most Current and Complete Summary of Alabama Jury Verdicts

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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 - A woman undergoing a surgical procedure went into arrest, experienced an hypoxemic/anoxic event, and suffered brain damage; the woman blamed the event on a nurse anesthetist's actions in allegedly over-sedating her

Cranford v. Chassay, et al., 16-900417
Plaintiff: S. Shay Samples, *Hare Wynn Newell & Newton, LLP.*, Birmingham
Defense: Christopher L. Albright and Lee T. Clanton, *Porterfield Harper Mills Motlow & Ireland, P.A.*, Birmingham, for Chassay and Marshall County Anesthesiology and Pain Specialists, LLC.; J. Alex Wyatt and Mark W. Lee, *Parsons Lee & Juliano, P.C.*, Birmingham, for Chastain and Marshall Medical Center North

Verdict: Defense verdict
Circuit: **Marshall**, 5-13-24
Judge: Tim Riley

On 10-3-14, Mary Cranford was admitted to Marshall Medical Center North in Guntersville to undergo an external hemorrhoidectomy surgery. The anesthesia plan was drawn up by Dr. Dean Chassay, an employee of Marshall County Anesthesiology and Pain Specialists, LLC.

Dr. Chassay performed a so-called "saddle block," which consisted in administering spinal anesthesia. This would result in Cranford feeling no pain from her waist down. Once the spinal anesthesia had been given, Dr. Chassay turned over responsibility for managing the anesthesia during the remainder of the procedure to a nurse anesthetist in the person of Audra Chastain. Dr. Chassay then left the room.

Despite having been given the

spinal anesthesia, Cranford remained anxious. Nurse Chastain responded by administering to her 10 mg of Versed and 80 mg of Propofol. Nurse Chastain undertook this action on her own initiative without clearing it with Dr. Chassay.

Following the administration of these medications, Cranford went into arrest. She was revived, but she had experienced an hypoxemic/anoxic event that left her with brain damage. Cranford believed that it was Nurse Chastain's administration of the medications that had set off that chain of events and led Cranford to suffering brain damage.

Cranford filed suit against Marshall Medical Center North, Nurse Chastain, Dr. Chassay, and Marshall County Anesthesiology and Pain Specialists, LLC. She criticized defendants for administering the medication and thereby over-sedating her, thus leading to respiratory arrest and brain damage.

Cranford also criticized defendants for their allegedly substandard monitoring and assessment of her condition. She identified a number of experts in this case. They included Natalie Clarke, CRNA, Durham, NC; John Roebuck, CRNA, Ann Arbor, MI; and Dr. Stuart Lowson, Anesthesiology, Charlottesville, VA.

Dr. Chassay and his employer filed a motion for partial summary judgment on the ground that Nurse Chastain was not their employee. Rather, she was an employee of the hospital, and therefore they could not be held vicariously liable for her conduct.

Cranford did not oppose the motion, and the court granted it solely on the issue of vicarious liability. The individual claims against those defendants remained. The defense of the case focused on denying that Cranford had proven defendants had breached the standard of care or that their alleged breach had caused Cranford's brain damage.

Regarding the latter point, defendants argued that Cranford's brain damage had been due to a cardiac arrest rather than respiratory arrest and thus had nothing to do with the administration of the medications. The identified defense experts included Dr. Leon Graham, Anesthesiology, Meridian, MS.

The case was tried over eleven days in Guntersville. The jury returned a verdict for the defense, and the court closed out the case with the entry of a consistent defense judgment.

Case Documents:

[Defense Judgment as a Matter of](#)

[Law](#)

[Jury Verdict](#)

[Final Judgment](#)

Employment Retaliation - The plaintiff, a counselor at a "wilderness" camp for troubled teens, alleged he was terminated in retaliation for blowing the whistle on Medicaid fraud at the camp – the camp settled the False Claims Act portion of the case for \$3,496,331, the plaintiff (previously the relator) advancing his separate retaliation count to trial regarding the termination

Sheppard v. Pathways of Baldwin County, 1:17-355

Plaintiff: Harry V. Satterwhite, Sr., *Satterwhite Reece*, Mobile

Defense: Caine O'Rear, III, Mobile and Christopher S. Williams, both of *Hand Arendall Harrison Sale*, Fairhope

Verdict: \$30,000 for plaintiff

Federal: **Mobile**, 7-16-24

Judge: Kristi K. DuBose

Richard Sheppard worked for several years as a counselor at a camp for trouble teens in Baldwin County. He taught basic life skills. The camp was first operated by Baldwin County. The county struggled to operate it and, fearing liability (a teen alleged she was raped at the camp), it was eager to offload the operation.

In 2016 Baldwin County contracted with the private Pathway of Baldwin County (and its parent Pathway, LLC) to operate the camp. Pathway paid a \$30,000 a month lease to Baldwin County. How would Pathway make its money? It would bill Medicaid for the services to young people. That would turn out to be the key issue in this litigation.

After Pathway took over the operation of the camp in 2016, Sheppard came to believe it was engaged in Medicaid billing fraud. How? Pathway was having staff create false timesheets for counseling sessions that never happened. Sheppard reported his concerns to

state investigators in March of 2017. The government promptly began an investigation.

A few weeks later on 4-17-17, Sheppard was fired. Pathway explained he was let go because of poor performance. It noted he had a history of write-ups and disciplinary problems. Sheppard, who described it as his life mission to work with young people at the camp, was out of a job.

A few months later Sheppard filed a False Claims Act lawsuit against Pathway related to his allegations of Medicaid fraud. The federal government took up the mantle of the case and pursued it. Pathway settled the case with the government in September of 2022 and agreed to pay \$3,496,331 to resolve the fraud claims.

This jury trial would concern Sheppard's separate employment (whistleblowing) retaliation claim against Pathway. It was his claim that he was a valued employee during his tenure and received a good evaluation just before Pathway learned he'd reported Medicaid fraud. It was Sheppard's belief he was fired in retaliation for those reports. If he prevailed at trial the jury could award him damages for emotional distress.

Pathway denied fault and argued as noted above that Sheppard was let go for poor performance. Pathway also denied (there were fact disputes on this question) that it even knew of Sheppard's report of fraud before the termination decision was made. The defendant also argued that Pathway of Baldwin County was Sheppard's sole employer, and the parent (Pathway, LLC) was not liable for any retaliation. This was a fact question for the jury.

The retaliation case was tried in two days. The jury found that Pathway retaliated against Sheppard because of his protected activity. It