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**COMMONWEALTH OF KENTUCKY
BARREN CIRCUIT COURT
DIVISION ONE
CIVIL ACTION NO. 22-CI-00654
ELECTRONICALLY FILED**

MEDIA5022

ALAN HAPNEY

PLAINTIFF

v.

PLAINTIFF'S TRIAL MEMO

YANCEY'S GASTROPUB AND BREWERY, LLC

DEFENDANTS

* * * * *

Comes the Plaintiff, Alan Hapney, by and through counsel, and submits the following trial memorandum as required by the Court's Pretrial Order.

FACTUAL BACKGROUND

On February 26, 2022 around 6pm, Plaintiff, Alan Hapney, was going to meet his son at Yancey's Gastropub and Brewery. Alan entered the premises through the rear entrance and before reaching the bar area felt the sudden and intense urge to urinate. The men's restroom was locked and there was a line for the women's restroom. Alan decided he couldn't hold it so exited the rear entrance and turned right through an open gate thinking he was walking on sidewalk.

Alan then fell down a dark set of stairs that he could not see. Alan suffered, and was diagnosed with, a traumatic brain injury, an open dislocation and joint fracture of his index finger requiring multiple surgeries. First, Alan underwent an initial fracture reduction. He had a second reduction a week later, then a surgery with Dr. Morrison that included a debridement and bone fragment removal (requiring 31 stitches), and a second surgery in September 2022 where they reopened his hand and tried to remove scar tissue that was restricting his range of motion.

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Alan developed flexor tenolysis and a trigger thumb requiring injections. These are objective diagnoses supported by his treating physicians. Dr. Karl Kelley, Dr. Keith Morrison, and Courtney Barrick will give trial testimony about Alans injuries via video deposition.

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QUESTIONS OF FACT AND LAW

Upon information and belief, Defendants are contesting liability. No indication has been given as to whether injuries or causation are in dispute. Defendant never request a CR 35 exam, however it is possible that the veracity and necessity of his medical treatment will be challenged.

PENDING MOTIONS

There are motions in limine filed in tandem with this memorandum and will be pending before the Court. It is expected that Defendant will file motions in limine as well. Additionally, per the Court's request the undersigned has filled out the Consolidated Pretrial Order and sent his portions to counsel for the Defendant with permission to file it with his name affixed. The undersigned files this memo and the rest of his pretrial compliance in order to comply with the pretrial deadlines.

Respectfully submitted,

DIXIE LAW GROUP, PSC

/s/ John M. Ritter

Justin B. May, Esq. (96791)
John M. Ritter, Esq. (97749)
4919 Dixie Highway
Suite B
Louisville, KY 40216
jmay@dixielawgroup.com
jritter@dixielawgroup.com
(502) 290-2397 - Telephone
(502) 449-9774 - Fax
Counsel for Plaintiff

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CERTIFICATE OF SERVICE

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I hereby certify that a true and correct copy of the foregoing was sent via email on December

5, 2024 to:

Michael K. Bishop
Michael K. Bishop & Associates, P.S.C.
948 Elm Street
P.O. Box 10088
Bowling Green, KY 42102-4888
Telephone: (270) 783-8044
Telefax: (270) 783-8049
Email: bishop@mikebishoplaw.com
Counsel for Yancey's Gastropub and Brewery, LLC

/s/ John M. Ritter
John M. Ritter