

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

October 2026

Published in Louisville, Kentucky Since 1997

30 K.T.C.R. 10

Comprehensive Statewide Jury Verdict Coverage

Civil Jury Verdicts

Complete and timely coverage of civil jury verdicts including circuit, division, presiding judge, parties, case number, attorneys and results.

Fair Housing - A company sought to develop a multi-story 198 unit apartment complex for low-income senior housing in Prospect, KY (a wealthy and mostly white east end Louisville small city) and was met with vitriolic opposition from the community (organized by Prospect in part) to the development which resulted in the Louisville Metro Council rejecting a zoning variance – the development sued Louisville Metro (it settled for \$6.06 million) and went to trial on federal Fair Housing claims against Prospect LDG Multifamily LLC v. City of Prospect, 17-6262

Plaintiff: R. Kenyon Meyer, J. Tanner Watkins, Juels M. White and Suzanne M. Marino, *Dinsmore & Shohl*, Louisville and Philip E. Cecil, *Fultz Maddox Dickens*, Louisville

Defense: Carol S. Petitt, Matthew R. Bastin and Connor E. Sturgill, *Vaughn Petitt Law Group*, Pewee Valley and J. Guthrie True, *True Guarnieri & Ayers*, Frankfort

Verdict: \$36,329,080 for plaintiff

Court: **Jefferson**

Judge: Ann Bailey Smith

Date: 8-25-26

LDG Multifamily, LLC, is a real estate development company. It specializes in building low-income housing for seniors in the Louisville

area. It had acquired some 9.61 acres in Prospect, KY at the intersection of River Road and Forest Cove Lane. Near this location is a large shopping center anchored by a Kroger grocery. It also abuts single family housing.

The City of Prospect is a small city within Metro Louisville in its far northeast. The population is a little less than 5,000. Prospect is overwhelmingly white (91%) and is affluent.

LDG Multifamily had plans in 2016 to develop a 198 unit low-income housing complex for seniors on that location that would be called Prospect Cove. However the property needed a zoning variance from Metro Louisville before it could move forward with construction.

Prospect officials caught wind of the plan. There were concerns about the development. They were couched in concerns about the so-called “massive”

size of the project and that it would not fit in the “small village” of Prospect. Prospect had insufficient government resources to handle the new residents and moreover, the project was incompatible with the land.

Prospect organized its citizens (it spent \$200,000 on efforts to oppose the development) to participate in a town hall meeting on 9-26-16. Many residents turned out and expressed their views. They were not happy. There was vitriol in fact against Prospect Cove and much of it turned on the theme that new low income residents would generate crime and ruin the tenor of the community. Some suggested it would be better built downtown or in the west part of Louisville.

What were the objections really about? LDG Multifamily believed



The location of Prospect Cove near the larger Kroger shopping center

[Plaintiff Trial Brief](#)
[Defense Trial Brief](#)
[Jury Verdict](#)

Prison Med Mal/Civil Rights -

The decedent, a woman age 34 and a mother of three, was arrested on a drug charge and lodged at the Whitley County Detention Center – she'd been on hard time and had been to the jail before, it being known to jail officials and medical staff that she had a seizure disorder and was on anti-seizure medication – however upon her booking she couldn't remember her prescription or provider (she indicated she'd just taken heroin) and she was started on a detox regimen without her seizure medicine – she allegedly deteriorated over the next week and died after being discovered unconscious in her cell on the seventh morning – her estate alleged negligence by jail officials and a private nurse practitioner, as well as an additional deliberate indifference count against the nurse – a London jury rejected all claims after an eight-day trial

Mays v. Southern Health Partners et al, 6:23-188

Plaintiff: Paul K. Croley, II, Lexington and B.J. Foley, Jr., Williamsburg, both of *Croley & Foley*
 Defense: Jonathan C. Shaw and Michael J. Schmitt, *Porter Banks Baldwin & Shaw*, Paintsville for Dep. Jailers Bowman and George Robert J. Shilts and Virginia Leigh Shell, *Stoll Keenon Ogden*, Louisville for Southern Health Partners Jason E. Williams and John F. Kelley, *Williams & Towe*, London for Whitley County Sergeants and the Jailer
 Verdict: Defense verdict on liability
 Federal: **London**
 Judge: Karen K. Caldwell
 Date: 10-16-26

Terri Mays, age 34 and the mother of three, had fallen on hard times in

2021. She'd been arrested multiple times in the previous five years. Mays was well-known to the staff at the Whitley County Detention Center (WCDC). While she had a multitude of serious health issues, preeminent among them was a seizure disorder. She took a 100mg dosage of an anti-seizure medication (Dilantin) every day. This was known to WCDC jail medical staff from her prior arrests.

Mays was indicted on drug trafficking charges in April of 2021. She was picked up on the warrant on the evening of 10-28-21 and taken to WCDC. At her intake at the jail, Mays indicated she'd taken heroin hours before. She also mentioned her Dilantin prescription.

It is important to note that the jail relied on Southern Health Partners, (SHP), a private healthcare company, for its medical care. The contract provided that SHP would provide care to inmates for seven days a week for 12 hours.

The morning after Mays was admitted to jail, she was evaluated by an SHP nurse. The nurse couldn't verify the prescription and consulted with Karen Baker, the SHP nurse practitioner who coordinated inmate care. Baker approved a plan to place Mays in a detox protocol and not administer Dilantin. She would later describe this represented her clinical judgment. There was no evidence that Baker ever made an attempt to verify the script.

Over the next six days (10-29 to 11-4), Mays's condition declined. She had a so-called "suspicious" seizure event on 11-1-21. As a SHP nurse was making rounds, Mays had jerking movements that were seizure like. The nurse didn't think it was genuine. There was testimony Mays told cellmates that, "If I keep doing this, they might let me out." The nurse also indicated Mays apologized for faking a seizure.

Whether the 11-1-21 seizure event was real or not, Mays was allegedly becoming more sick. She had seizures the next day, was evaluated by jail officials and moved to another cell after an altercation with a prisoner. The following day she fell down in the shower. Then on the early morning of 11-4-21 (from midnight to 7:00 a.m. or so), she was looked in on by a jailer. There was evidence Mays was ill just after 7:00 a.m, and the jailer did nothing.

Video surveillance at 7:04 a.m. on 11-4-21 revealed that Mays was having a serious seizure like event. It lasted eight minutes. She had less than two hours to live. Mays was discovered unconscious at 7:30 a.m. An SHP nurse attempted to resuscitate Mays. EMS was called and Mays was taken to the local hospital. She was pronounced dead at 8:42 a.m. The state medical examiner (Dr. Meredith Frame from Frankfort) issued a final report on 2-1-22. She concluded Mays had died secondary to her long history of drug abuse. Frame had looked to microscopic materials in Mays's lungs that were suggestive of long-term IV use.

Thereafter the Mays estate sued WCDC defendants (the jailer, sergeants and correctional officers, five in all, Caldwell, Cureton, Bowman, George and Lawson) as well as the SHP nurse practitioner, Baker. The core of the case was that defendants failed to provide Mays's anti-seizure medications and this led to her death. The court granted summary judgment to all defendants on deliberate indifference excepting Baker and SHP. The case would go forward on negligence against the other defendants. The court's summary judgment order also dismissed two other SHP nurses who had provided care to Mays. The sole SHP defendant was Baker.

Kentucky Supreme Court Update

This report concerns the notable grant of discretionary review in a case that was tried to a jury in 2023 that resulted in a substantial plaintiff's verdict in Louisville. The plaintiff, a young mother of three, died of pneumonia after a stem cell transplant to treat cancer. Her estate alleged error by her hematologist (he managed the transplant) in failing to prophylactically prescribe antibiotics in light of her immune-suppressed condition and to prevent the infection. The jury found fault and awarded \$44.49 million which was assessed 40% to the defendant. The verdict's non-economic damages were:

Pain and suffering: \$5,000,000

Husband consortium: \$7,500,000

Child Consortium: \$10,000,000 to each of her three children.

See *Phelps v. Emmons*, KTCR Case No. 6073 for the original verdict on 8-29-23. Judge Eric Haner presided.

The defendants moved for JNOV relief. It was denied and the defendants appealed. The Court of Appeals mostly affirmed in November of 2025 in a *Not-to-be-Published* opinion (39 pp.) by Judge Taylor joined by Karem and Thompson. The defendants took a further appeal to the Kentucky Supreme Court.

At the September rendition date (9-22-26), the high court granted the defense motion for discretionary review. Since the granting of the defense motion for discretionary review, the underlying plaintiffs have sought a cross-motion for discretionary review. That motion (filed 10-2-26) is pending. The style of the appellate case is 26-SC-81-DG.

Case Documents:

[Plaintiff Trial Memorandum](#)

[Defense Trial Memorandum](#)

[Court of Appeals Opinion](#) (11-24-25)

Historical Kentucky Verdicts

This month we will look at a trio of now ancient medical negligence verdicts including one from nearly 140 years ago. The plaintiff, Arthur Becher, age 7, broke his arm when he fell from a fence in September of 1884. The arm was set by Dr. Ed Miller, a prominent physician who was the Professor of Surgery at the Louisville Medical College. The boy's arm was later malformed.

Becher, through his father, sued Miller and alleged malpractice in January of 1885. The case was tried to a jury in Common Pleas Court in Louisville four months later in April. The case was celebrated and the entire class of the medical school, along with many local surgeons attended the trial. The parties had expert witnesses. They also had exhibits, a report indicating both sides had their own skeletons.

James Harlan gave his closing argument for Becher and it was described as the "Greatest argument made in a civil case in a long time. A report indicated Harlan "indulged in flights of sublime eloquence . . . and gave the doctor a grand old scoring." All in the courtroom were "completely entranced." It wasn't enough. The jury deliberated 25 minutes (April 27, 1885) and exonerated Miller. Miller's lawyers were W.B. Fleming and Isaac Woodson.

There was a med mal case tried eight years later in Vanceburg. The plaintiff, William Hardyman, alleged malpractice by Dr. B.S. Grimes in treating a tapeworm. The report is not clear what exactly was going on. However it was apparently a big deal. There were more than 30

witnesses called to trial in Lewis County including a dozen prominent physicians. A defense verdict was returned on September 12, 1893 in Lewis County after four days of trial.

The final case jumps forward to Henderson in Western Kentucky. It was February of 1899. The plaintiff, Martin Hardesty, worked at a local brewery and broke his arm when he fell off a ladder. He treated with Dr. P.H. Griffin who set the fracture. Thereafter Hardesty sued Griffin and alleged his arm was crooked and he couldn't use it.

A report at the time indicates that nearly every doctor in town testified at trial including three from nearby Evansville. It was also described as the most closely watched trial of the term. The case featured the first use of an x-ray at trial. There were actually two, one of Hardesty's good arm and the second of his bad one. Griffin defended the case that he did his best in setting a compound fracture. The case was tried for two days. Judge Givens presided. The jury deliberated forty minutes before returning a defense verdict.

In this trio of 19th century med mal cases, there are some common themes that resonate today even if the medicine was less complex back then. Plaintiffs have a tough time prevailing at trial in these cases. But much like today, the cases are closely watched, involve the best lawyers and feature numerous medical experts. The novelty of the x-ray was fascinating in 1899 and even today, jurors want (and expect) to see demonstrative exhibits.

The Kentucky Trial Court Review
9462 Brownsboro Road, No. 133
Louisville, Kentucky 40241
502-644-9017
Online at Juryverdicts.net

Since 1997 From Paducah to Pikeville, Covington to London
Comprehensive and Timely Kentucky Jury Verdict Coverage

Ordering is Easy

The Kentucky Trial Court Review
The Most Current and Complete Summary of Kentucky Jury Verdicts
Call to Place your MasterCard/Visa Order - 1-502-644-9017

Return with your check to:
The Kentucky Trial Court Review
At the above address

Name

Firm Name

___ \$449.00 for a one year subscription to the
Kentucky Trial Court Review
(\$475.94 including 6% sales tax)

Address

Your e-mail

City, State, Zip