

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

November 2025

Published in Louisville, Kentucky Since 1997

29 K.T.C.R. 11

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.

Medical Negligence - After the plaintiff had a c-section in 2021, an ovarian mass was sent for pathology and while suspicious, it was misread as benign – at a follow-up visit with her Ob-Gyn, the woman was told it was nothing to worry about – she learned in July of 2023 that the cancer was not treatable and her condition was terminal – the plaintiff then settled with the pathologist, the pathology group and sought damages at this trial from the Ob-Gyn, blaming him for failing to follow-up on the initial radiology read and refer the plaintiff to a gynecological oncologist – the Ob-Gyn replied that he met the standard of care, and in any event the cancer was already terminal in 2021

Thomas v. Ackermann, 24-81

Plaintiff: Justin S. Peterson, *Peterson Law Office*, Lexington and Masten Childers, III, Adam Havens and Sarah E. Cooley, *Whiteford Taylor & Preston*, Lexington

Defense: Eleanor M.B. Davis, Todd B. Thompson and Joseph A. Wright, *Thompson Miller & Simpson*, Louisville and Joseph H. Mattingly, III, Lebanon

Verdict: \$8,413,205 for plaintiff assessed 10% to the defendant

Court: **Marion**

Judge: Samuel Todd Spalding

Date: 10-16-25

Ann Thomas, then age 26, was

pregnant and had a pre-natal visit with Dr. Mark Ackermann, an Ob-Gyn, on 1-12-21. He noted a large cyst on her left ovary and ordered testing on it. The testing was negative. However because of the size of the mass, Thomas could not have a vaginal delivery.

Thomas had a child by a c-section (Ackermann handled the delivery) on 5-19-21 at Spring View Medical Center in Lebanon. It was uneventful. Ackermann removed the ovary and the cyst, and sent them for examination. It was read a few days later by a pathologist, Dr. Levi Machado of PathGroup Labs. Machado read the report as having a clear cell carcinoma. He then had a discussion with Ackermann and the pathology report concluded the mass (technically “benign cystic neoplasm with ariassella reaction”) was benign subject to further testing. This was an error. It was cancer.

Thomas returned to Ackermann for a post-partum visit on 7-1-21. This was the last time he would see her.

Ackermann told her not to worry about the pathology report. There was no

additional or pending testing to rule out ovarian cancer or the tests were lost. Thomas relied on Ackermann and didn’t follow up. She didn’t know that additional tests had been ordered but not performed.

Thomas’s appendix ruptured in June of 2023 and she underwent surgery. A few weeks later she had shortness of breath and a right-sided pleural effusion (fluid on her lung). She was diagnosed with ovarian cancer on 8-15-23. The UK Department of Pathology examined the specimen from May of 2021. It was identified as a low-grade cancer.

While the diagnosis was finally made in 2023, it would be argued it was too late. The cancer is terminal and there is no treatment as diagnosed by the MD Anderson Cancer Center in Houston. Thomas survived to her jury trial in October of 2025, but it is undisputed that she will die from this cancer.

Thomas sued Ackermann and alleged he violated the standard of care in two key ways. Her expert, Dr. Jane van Dis, Ob-Gyn,

The lesion is an encapsulated round lesion with papillary projections grossly. The lesion shows clear papillary and micropapillary structures with hobnailing which was at first worrisome for malignancy. Of note, calcifications were present. There was no necrosis or mitosis. Due to the clinical history of recent pregnancy, the case was better understood as a benign cystic neoplasm with ariassella reaction. HNF1B, racemase, p53, PAX8, CK7, Ki67 and CK20 are pending to further rule out a malignant process. Clinical correlation is required.¹

Machado’s initial pathology report as sent to Ackermann

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Nelson County

Truck Negligence - The plaintiff, a long-time RN, crested a hill on a rural road and could not stop in time to avoid a UPS truck that was making a rolling turn into a driveway – the nurse t-boned the truck and suffered a C5-6 disc injury (surgically repaired) and an occipital nerve injury which has resulted in ongoing headaches, all of which have disabled her from returning to her nursing career – the jury split fault (60-40) between the parties and made a raw award to the plaintiff of \$2.925 million which included \$2,000,000 for her pain and suffering - \$2,925,000 p. 4

Warren County

Medical Negligence - During a laparoscopic appendectomy, the plaintiff's surgeon perforated her transverse colon which led to sepsis, a surgical repair and permanent bile acid malabsorption diarrhea that has left her with bowel incontinence - Defense p. 7

Calloway County

Premises Liability - As the plaintiff got up from the toilet at a convenience store, the toilet seat broke, he fell backwards and struck a water spigot, all of which led to a neck injury and a subsequent C4-6 fusion – a Murray jury returned a defense verdict on liability and the plaintiff took nothing - Defense p. 8

Taylor County

Jail Medical Negligence - The plaintiff (he was in jail the prior week) died of symptoms related to a perforated gastric ulcer – in this lawsuit he alleged a jail nurse was negligent in failing to make a timely diagnosis in treating him - \$488,762 p. 9

Notable News

Jefferson County – Following a raw \$30.74 million verdict with multiple plaintiffs (negligent pursuit case) in 2023 where the jury found the LMPD police officer involved just 3% at fault, the trial judge ordered a new trial on liability – before that trial was to begin this November, the police settled with and paid \$7.5 million which represented 30% (as to opposed to just 3%) of the original verdict p. 12

Historical Kentucky Verdict

Animal Negligence - McCracken County - 1915 - A little boy was fatally mauled by a pet bear that was kept chained on a city street in Paducah – after a first trial with 42 hours of deliberations in 1914 resulted in a hung jury, the case was tried five months later and the boy's estate took \$1,500 p. 13

Notable Out of State Verdict

Indianapolis, Indiana

Medical Malpractice - A woman with a history of autoimmune disease underwent breast augmentation surgery; when she subsequently developed symptoms of “breast implant illness” she criticized her plastic surgeon for not discussing the risks with her and thereby failing to get her informed consent - \$450,000 p. 14

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Jail Medical Negligence - The plaintiff (he was in jail the prior week) died of symptoms related to a perforated gastric ulcer – in this lawsuit he alleged a jail nurse was negligent in failing to make a timely diagnosis in treating him
Rawlings v. Southern Health Partners, 21-286

Plaintiff: Gregory D. Simms, *Greg Simms Law Office*, Louisville and John A. Elder, IV, Lebanon
Defense: M. Jane Brannon and Jennifer L. Horan, *Jackson Kelly*, Lexington

Verdict: \$488,762 for plaintiff

Court: **Taylor**

Judge: Samuel Todd Spalding

Date: 11-14-25

Kevin Rawlings, age 45, was arrested on 11-8-15 and taken to the Taylor County Detention Center in Campbellsville. The charges were drug-related. Rawlings by all accounts was not a perfect person and had run-ins with the law. He was an alcoholic and smoked marijuana every day. But he was still a person and a father to nine children. At the time of his arrival at the jail, two of his children were still minors. He'd worked over the years as a restaurant manager at Rally's and Burger King.

Rawlings' condition deteriorated over the next week. It really began to escalate on 3-12-15. This was all related to his suffering from a perforated gastric ulcer. It had not been diagnosed. Rawlings apparently believed his malaise was related to his "cold turkey" jail detox from suboxone which he was using for opioid addiction.

Rawlings continued to feel poorly on 3-14-15. Fellow inmates reported his condition to jailers. He was having difficulty eating and was nauseous. Rawlings also had affected speech, gait problems and was obviously quite ill.

incident. The defense also contested the claimed injury and pointed out, (1) there was no mention of a neck injury at the ER, and (2) Whited had a history of chronic neck pain.

This case was tried for two days and the jury deliberated 45 minutes. The court's liability instruction required Whited to prove that, (1) He was injured because of a dangerous condition, (2) because of that dangerous condition, the premises were not in a reasonably safe condition, and (3) the defendant knew or should have known of that condition in a sufficient time to correct it.

The jury answered "no" for Max Arnold and the jury then didn't reach the plaintiff's duties, apportionment or damages. While a final judgment had not been entered at the time of

this report, a consistent judgment had been tendered to the court.

Case Documents:

[Plaintiff Trial Memorandum](#)

[Defense Trial Memorandum](#)

[Defense Summary Judgment Motion](#)

[Jury Verdict](#)

[Final Judgment](#)

A Historic Kentucky Verdict

Premises Liability

A little boy was fatally mauled by a pet bear that was kept chained on a city street in Paducah – after a first trial with 42 hours of deliberations in 1914 resulted in a hung jury, the case was tried five months later and the boy's estate took \$1,500

Lehnhard v. Robertson

Plaintiff: Hal S. Corbett, Paducah

Defense: John K. Hendrick, Paducah

November 9, 1915

McCracken County

Judge William Reed

Verdict: \$1,500 for plaintiff

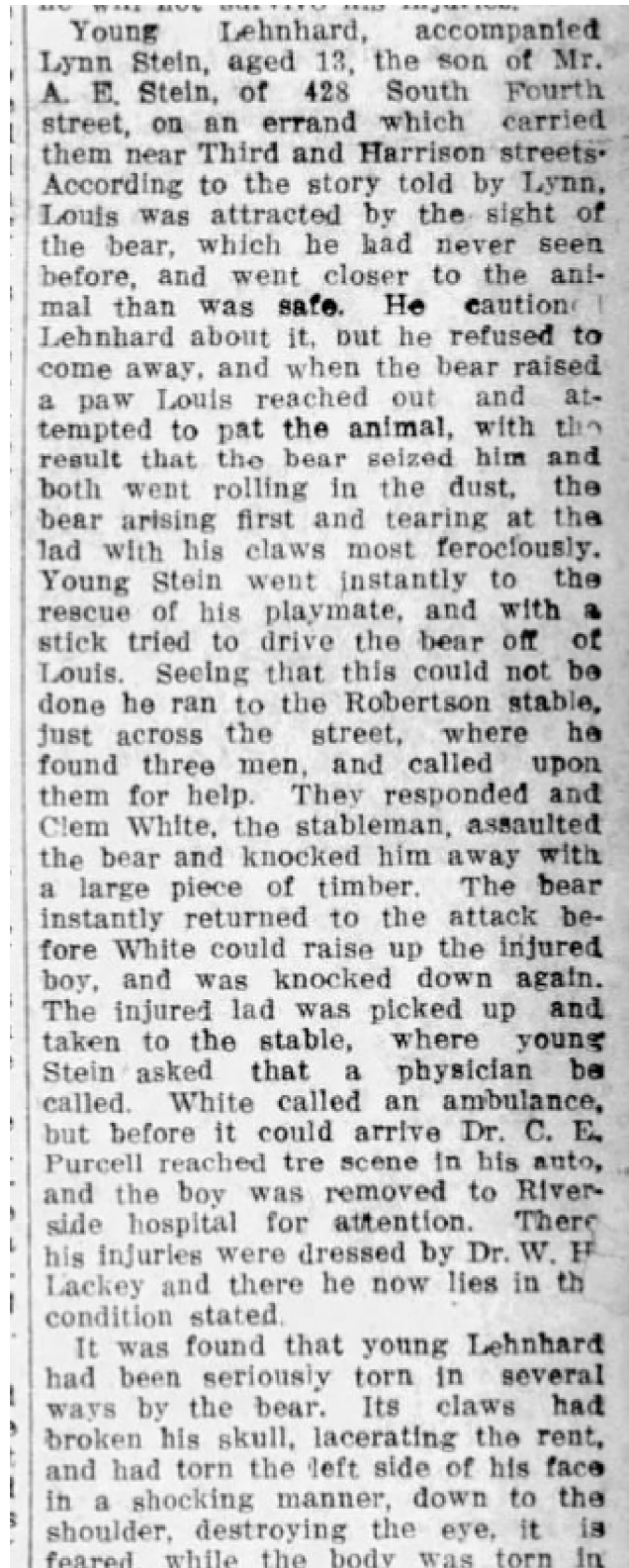
A sad, poignant and almost unbelievable set of circumstances led to the most bizarre animal jury trial in the history of Kentucky. It happened more than 100 years ago in Paducah. The defendant, George Robertson, operated an ice company at the intersection of Third Street and Harrison. This is near the river.

Robertson also had a two-year old pet bear named Chubby. Chubby had been acquired in the Arkansas wilds. Robertson described Chubby as a trained "dancing bear" who was used for entertainment. It was not an easy life for Chubby. He was kept on a chain. That chain ended just a few feet from the city sidewalk.

A bear, whether it dances or not, is a pretty attractive target to a little boy. It is even more so when the bear is tied to a tree in the middle of a city. Louis Lehnhard, a ten-year old boy and a fourth grader at Lee School, could not resist.

Louis walked by the bear on October 20, 1914 with a friend, Lynn Stein. He reached out to touch the bear when it raised its paw. It bit Louis hard on the face and resulted in a crushed skull. This was big news in Paducah.

The next day it ran on the front



A graphic account of the bear attack

page of the Paducah News-Democrat. The paper wrote that the boy had been "clawed most frightfully." His condition would be breathlessly

chronicled over the next eleven days.

The paper told readers on 10-22-14 that Louis may survive but that he'd lose his right eye. The next day it was reported Louis, while fully conscious, was not well and in great pain. Two days later there was improvement. Louis showed signs of healing. He took a turn for the worse and developed pneumonia as reported on 10-30-14. The boy died that evening and was buried the next day.

The paper wrote he was "cruelly snatched in the springtime of his existence. Louis' pallbearers were from the local school and he was buried at the city's German Evangelical Church.

The boy's father filed this lawsuit six weeks later against Robertson and sought damages of \$25,000. It was a simple enough theory – it was negligence to keep a bear in the city limits. Lehnhard also sued the City of Paducah. It settled.

Robertson defended that it was Louis who was to blame. He cited testimony from a stablehand, Clem White, that Louis

provoked the bear by poking it with a stick. Robertson also described Chubby as gentle, harmless and kindly disposed, well, when not

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