

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

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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.

Landlord Negligence (Dog Attack) - As the plaintiff went on a walk in her Southern Heights neighborhood in Lexington, two dogs escaped from a rental house and brutally mauled her – she was left with some 30 separate bite wounds on her lower extremities and several required stitches – in this lawsuit the woman sued a property management company from New York (it bought the home from the owner and rented it back to the owner) who knew the now-renter’s dogs had multiple prior incidents – the jury assessed \$5,000,000 in punitive damages against the management company

Bogusewski v. Easy Knock, 22-2169

Plaintiff: Noel Caldwell, Lexington and Thomas L. Todd, *Todd & Todd*, Lexington

Defense: Timothy B. George, Jr., *Reminger, Co.*, Louisville

Verdict: \$5,320,776 for plaintiff

Court: **Fayette**

Judge: Julie M. Goodman

Date: 11-20-25

Sarah Bogusewski, in her 40s, went for a walk in her Southern Heights neighborhood in Lexington on 3-5-22. Bogusewski is self-employed in the electrolysis business. It was an ordinary walk on an ordinary day. She proceeded on Glendover Road. While she wouldn’t know it, a

homeowner’s Ring camera would capture what happened next.

As Bogusewski passed a home at 309 Glendover Road, she was noticed by that resident’s two dogs. The resident (a renter) was James Pelfrey. Over the last year his two dogs had been involved in six separate attacks. He’d received citations from city government but those were dismissed because of his legal incompetence.

It’s important to this case to understand more of Pelfrey’s role as a renter. He’d previously owned the home. Pelfrey was a high equity homeowner with poor credit. There are many of these persons in the United States which creates a financial opportunity.

A New York company called Easy Knock (EZ Knock Real Estate) figured out how to monetize these homes. It does business and owns homes in 45 states. How does it work? Easy Knock buys the homes (the main office is in New York and it’s principal lives in Jupiter, FL) and then rents them to the former owners. The former owners use equity to pay the rent. This arrangement to buy and rent these homes from “house rich – cash poor” persons is apparently lucrative for Easy Knock. It is marketed as “Sell and Stay” to homeowners.

There is a catch though to the scheme. Easy Knock is now a landlord and has legal duties as a landlord. It could be held liable as landlord for dangerous conditions related to that property. That included vicious dogs who are harbored on the property. Easy Knock seemed to presage that liability. In an August 2021 email

(seven months before the instant incident), Easy Knock’s principal received a haunting message from an employee about Pelfrey’s home. It read:

“He also mentioned that there was another incident at the property last night I guess the tenant’s dogs got out and malled [sic] some lady.”

Moving back to that early spring day as Bogusewski went on her walk, Pelfrey’s two dogs became excited when they saw her walk by. They were Winston the pitbull and Sadie the beagle mix. The dogs climbed out through a broken screen door (all captured on the Ring camera) and ran at a dead sprint towards Bogusewski who was walking on the sidewalk across the street. They brutally mauled the woman, the attack only ending when a Good Samaritan intervened. This was the seventh attack by Pelfrey’s dogs since Easy Knock became the landlord.

Bogusewski suffered more than 30 bites to her lower extremities. She had large gaping wounds that required stitches. Her medical bills were \$55,781. Bogusewski was also left with permanent scarring. She claimed \$100,000 for future care. Her lost wages were \$4,995.

Bogusewski pursued this dogbite lawsuit against Pelfrey as the owner of the two dogs. That theory was simple enough. He harbored dangerous dogs who attacked. Bogusewski also targeted a sometime resident of the Pelfrey home, Elijah Stubblefield. These were mostly nominal defendants.

Pelfrey defended the case pro se and personally appeared at trial. He

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Case Style _____

Jurisdiction _____ Case Number _____

Trial Judge _____ Date Verdict _____

Verdict _____

For plaintiff _____ (Name, City, Firm)

For defense _____ (Name, City, Firm)

Fact Summary _____

Injury/Damages _____

Submitted by: _____

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no globe rupture.

Verdier indicated that if there was a globe rupture, it would have been clear right away. It was Verdier's opinion that Keck suffered a subsequent spontaneous retinal detachment which was unrelated to his care or the injection.

The jury found for Keck by a 9-3 count that Eiferman had violated the "reasonably competent and prudent" ophthalmology standard. It also

found that error was a substantial factor in causing Keck's injuries.

Keck took \$500,000 for his past pain and suffering. The jury awarded him \$800,000 more for that in the future.

The jury also considered punitive damages (it was a clear and convincing proof burden) and wrote "0" in the verdict form. The judgment totaled \$1,300,000 and a consistent judgment was entered by Judge O'Connell.

Case Documents:

[Plaintiff Expert Disclosure](#)

[Defense Expert Disclosure](#)

[Jury Verdict](#)

[Final Judgment](#)

Civil Rights - The plaintiff, who was locked in a cell in a restricted unit at Luther Lockett Correctional, alleged a jail guard sprayed two cans of pepper spray into his cell in anger after a verbal altercation – the guard countered the plaintiff started it and he only made one short burst of pepper spray to gain control of the situation

Whayne v. Kentucky Department of Corrections, 3:22-469

Plaintiff: James F. Russell and Michael W. Smith, *Russell Smith*, Louisville
 Defense: Edward A. Baylous, II and Daenayia Harris, *Justice and Public Safety Cabinet*, Frankfort

Verdict: \$35,000 for plaintiff

Federal: **Louisville**

Judge: Colin H. Lindsey

Date: 11-20-25

Charles Whayne was an inmate at Luther Lockett Correctional near LaGrange on 3-6-22. He was housed in a restricted unit. He was alone in his cell. A jail guard (Dhia Al-Tamimi) came to Whayne's cell. He had cleaning supplies he was delivering so that Whayne could clean his cell. Al-Tamimi delivered a bottle of toilet cleaner through the tray in Whayne's cell door.

There was a verbal altercation between Whayne and Al-Tamimi. It's not exactly clear what was said, but it was along the lines of Whayne remarking, "Eff you. Eff your country and your family too." There was proof Al-Tamimi didn't like it.

Whayne alleged that a moment later (in anger), Al Tamimi discharged two cans of pepper spray into his cell through the tray slot. Whayne complained of pain and suffering associated with the pepper spray discharge into the confined cell.

In this lawsuit Whayne alleged both excessive force and battery by Al-Tamimi in spraying him. The theory was simple enough – Al-Tamimi was angry about Whayne's remarks and

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retaliated with the pepper spray attack. If Whayne prevailed he could take damages on both counts. The jury could also impose punitive damages. There was originally video of this incident, but it was not preserved.

Al-Tamimi raised a fact dispute. He recalled that Whayne sprayed him first with the toilet cleaner. He then responded reasonably to restore order. How did he do that? Al-Tamimi testified he fired one short burst of pepper spray. Unfortunately the canister malfunctioned and he sprayed more than he had intended. In any event the use of the pepper spray was reasonable. The government also replied that in any event, the claimed injury was de minimus.

This case was tried in Louisville for three days and the jury deliberated two hours. The jury found for Whayne on both excessive force and battery. It

wrote \$15,000 for his excessive force damages, and then crossed that out. The jury selected \$5,000 on this claim. Whayne took \$10,000 on battery. Finally the jury assessed punitive damages of \$20,000.

The verdict for Whayne totaled \$35,000. Judge Lindsey instructed the parties to submit a proposed judgment but at the time of this report (several weeks post-trial), no judgment has been entered.

Case Documents:

[Plaintiff Trial Memorandum](#)

[Defense Trial Memorandum](#)

[Jury Verdict](#)

"Mr. Robert Kennedy, please do not lose the courage of your convictions. Don't allow gambling in Newport or Covington, Ky.

"IT ISN'T THE GAMBLING that is so bad, but the dope peddling, prostitution, fencing and hideout for every wanted criminal that is so horrible. Frank "Screw" Andrews is Mike Coppola's main and most important man in Newport. Screw handles all the dirty work for Mike and Tony Salerno.

"Mr. Kennedy, why are the city officials of Newport allowed to take money from gangsters to permit such horrible things to take place in Newport? . . . Mike Coppola . . . you yellow-bellied (illegitimate), you are the lowest and biggest coward I have ever had the misfortune to meet."

An excerpt from Drahmman's suicide note that appeared in her book

case goes cold at this point. The plaintiff was represented at trial by Marion Moore of Covington. The estate's lawyer was Thomas Hirshfeld.

What became of Ann Drahmman? She married Trigger Mike which was maybe a mistake. He abused her and in 1960, they were divorced. Thereafter when she was prepared to testify against Trigger Mike about his wrongdoing, she fled the United States to Rome. She died by suicide in 1962 (it is thought, but well you never know) at the Via Veneto there. Six years after Drahmman's death in 1962, her memoir, *Syndicate Wife*, was published. In it she described her experiences as a mob wife and it included her suicide letter which implored the then-Attorney General,

Bobby Kennedy, to take action against the mob.

Helmendach sued Colquitt and alleged negligence by him in injuring her anatomy. Her expert, Dr. Preston Miller, Surgery, Winston-Salem, NC, concluded Colquitt used the wrong surgical technique. Miller explained Colquitt relied on the outdated infundibular method instead of using the "critical view of safety." This error limited Colquitt's vision of Helmendach's anatomy and caused the serious and permanent bile duct injury. Smith also believed that rather than an arterial injury (or in addition to it), the injury was more likely to her common hepatic duct as later identified during the Vanderbilt repair surgery.

Helmendach deals with periodic abdominal infections and will require expensive antibiotics to manage this for life. Her treating gastroenterologist, Dr. Matt Moore, Knoxville, described her injury and the ongoing care. Her future medicals were extensive. If Helmendach prevailed on liability she sought non-economic damages in five categories.

The defense expert was Dr. Adam Harris, Surgery, Birmingham, AL. He believed Colquitt's surgical technique was appropriate (infundibular was the standard of care) and the unfortunate injury was a known and recognized complication that can occur in the best of hands. He also explained that Colquitt "got lost" and had "made a mistake" but there was no deviation from the standard of care. Smith (the plaintiff's expert) replied that whatever the method (critical view or infundibular), Colquitt still violated the standard of care in cutting and clipping (completely transecting the common bile duct) multiple wrong structures.

This case was tried for three days. The jury verdict and jury instructions are not a part of the record. However the judgment indicates the jury found Colquitt violated the standard of care.

The jury then went to damages. Helmendach took medicals of \$556,770 plus \$3,000,000 more for her future medicals. Non-economic damages (spread over five categories) totaled \$7.5 million. They were:
Past suffering: \$1,000,000
Future suffering: \$2,000,000
Impairment: \$2,000,000
Past loss of enjoyment: \$500,000
Future loss of enjoyment: \$2,000,000.
The raw verdict for Helmendach totaled \$11,056,770.

The final judgment entered on 11-7-25 was for Helmendach in the sum of \$4,306,770. The raw verdict was reduced to account for Tennessee's tort scheme that limits non-economic damages to \$750,000. In that case the \$7.5 million in non-economic damages awarded to Helmendach were reduced to just \$750,000. This resulted in a saving of \$6.75 million for the tortfeasor.

Case Documents:

[Complaint](#)
[Plaintiff Expert Disclosure](#)
[Defense Expert Disclosure](#)
[Final Judgment](#)

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We have continually published civil jury verdict reporters around the country since June of 1997. We are unaffiliated with any organization, public or private or otherwise. Our singular mission to report civil jury trial results without favor, fairly presenting the positions of the parties, interesting trial practice and verdict results.

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