

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.

Auto Negligence - The plaintiff, whose is morbidly obese and had a pre-existing history of low-back pain, complained that those conditions were aggravated and led to an L4-5 fusion surgery – the defense IME (Kriss) thought the surgery was unnecessary and represented malpractice, the plaintiff only suffering a temporary soft-tissue injury

Collins v. Spicer, 22-1948

Plaintiff: Joseph Rugg, David Noble, Shea Conley and Blake Nolan, *Morgan & Morgan*, Lexington
Defense: William J. Baird, IV, *Baird & Baird*, Pikeville

Verdict: \$100,000 for plaintiff

Court: **Fayette**

Judge: Julie M. Goodman

Date: 2-20-24

Linda Collins, then age 69, drove in a Chevrolet sedan on 1-29-22 in Lexington. She was stopped at a red light. Behind her in traffic was Isaiah Spicer. Spicer would later explain he “misjudged” the red light, believing it would turn green.

When Spicer realized it was still red and not turning (he’d call this a bad judgment call on his part), he didn’t have time to stop nor could he change lanes because there were vehicles on either side. Spicer rear-ended Collins at some 15 mph. This was no fender-bender. It was a hard hit.

Collins, she is morbidly obese, treated that day at emergency room for complaints of low back pain. She continued to suffer from low-back pain over the next few months. It is important to note that Collins was an eggshell plaintiff of sorts. She had suffered from chronic low-back pain for years before this crash.

Ultimately in September of 2022 (eight months post-crash), she underwent an L4-5 fusion surgery. It was performed by an orthopedist, Dr. David McConda, Louisville. He linked it to the crash. Despite that surgery Collins continue to report low-back pain which she links to an aggravation of her pre-existing conditions. A plaintiff’s IME was Dr. Rick Lyons, Orthopedics, Frankfort.

In this lawsuit Collins sought

damages from Spicer. He is a Kentucky National insured. His policy limits were \$100,000. As the litigation progressed, Spicer offered those \$100,000 limits. However Collins believed he’d move to slowly and rejected them. She presented a separate bad faith claim against Kentucky National which has been bifurcated.

If Collins prevailed at trial she sought medicals of \$252,625 and \$151,000 more for in the future. Her lost wages were \$7,590. She could take odd numbers for her pain and suffering, \$451,200 for in the past and \$1,292,840 for in the future.

Collins had also originally sued her UIM carrier, State Farm. State Farm paid its \$100,000 limits and exited the case. It would go to trial



The plaintiff's vehicle after the collision

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Verdicts

Jefferson County

Premises Liability - While at her former in-laws home for the wake of her dead ex-husband, the plaintiff suffered a stress fracture in her foot when she stepped on a soft board on a pool deck that was concealed under a mat and a cooler with a “do not move cooler warning sign” - Defense verdict p. 7

Fayette County

Auto Negligence - The plaintiff, whose is morbidly obese and had a pre-existing history of low-back pain, complained that those conditions were aggravated and led to an L4-5 fusion surgery – the defense IME (Kriss) thought the surgery was unnecessary and represented malpractice, the plaintiff only suffering a temporary soft-tissue injury - \$100,000 p. 1

Shelby County

Truck Negligence - A cement truck backed into traffic and struck the plaintiff’s vehicle – it was a significant collision and the plaintiff suffered an ankle fracture as well as venous injury that has led to a chronic thrombotic condition – a Shelbyville jury awarded the plaintiff \$375,000 for her pain and suffering which was 21.49 times her medical bills - \$456,964 p. 4

Federal Court - Covington

Truck Negligence - A trucker changed lanes and struck the side of the plaintiff’s Grand Cherokee – in the impact the plaintiff’s head struck the B-pillar and he has since treated for post-concussive symptoms including vertigo, tinnitus and vision problems – a federal jury in Covington valued the plaintiff’s pain and suffering at the odd number of \$294,500 - \$359,144 p. 5

Boyle County

Medical Negligence - An orthopedist was blamed for no performing a complete carpal tunnel release and also in injuring the plaintiff’s median nerve – the doctor replied he met the standard of care and both incomplete release and nerve injury were simply complications of the procedure - Defense verdict p. 6

Montgomery County

Medical (Vaccine) Negligence - The plaintiff was part of an infection outbreak related to mishandled vaccines – the first of several plaintiffs to come to trial, the plaintiff presented a claim against the vaccination clinic and its physician operator whose wife handled and administered the vaccines - \$26,340 p. 8

Kenton County

Age Discrimination - A librarian (age 59) alleged her contract was not renewed because of her age, citing evidence her principal indicated he preferred younger teachers and of the teachers who were not renewed that year, all seven were over 40 - Defense verdict p. 8

Warren County

Auto Negligence - The plaintiff treated for chronic radiating neck pain after a minor rear-ender – she was awarded medicals of \$10,007.47 but nothing for her pain and suffering resulting in a final judgment (less PIP) of just \$7.47 - \$10,007 p. 10

Notable Indiana Verdict

Floyd County (New Albany, IN)

Premises Liability - A handyman doing some work on a home was seriously injured when he fell down a flight of stairs leading to the home’s basement; the handyman claimed the stairs were too narrow and not in compliance with building codes and County Ordinances - Defense verdict p. 10