

# Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

March 2026

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30 K.T.C.R. 3

*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 - A surgeon was blamed for a technical error in performing an appendectomy by clamping off on diseased tissue at the base of the appendix (as opposed to more stable healthy tissue) which led to a failure of the clamp, a bowel leakage and then a course of serious infection complications including multi-organ failure and a lengthy recuperation – the doctor called the course a known complication and risk of the surgery – an Owensboro**

**jury found for the plaintiff and awarded \$3,533,344 in damages including \$2,000,000 for the plaintiff's pain and suffering**

*Millay v. West*, 19-1106

Plaintiff: S. Wade Yeoman and Corey

Ann Finn, *Finn & Yeoman*, Louisville

Defense: Ronald G. Sheffer, Phillip

Monhollen and Joseph Mankovich,

*Sheffer Monhollen*, Louisville

Verdict: \$3,533,344 for plaintiff

Court: **Daviess**

Judge: David Payne

Date: 3-9-26

Will Millay, then age 32, presented to the ER on 12-14-18 at Owensboro Regional Hospital (It is operated by Owensboro Health) where he was diagnosed with an appendicitis. Dr. Michael West, a surgeon and hospital

employee, performed a laparoscopic appendectomy. In the process he removed the appendix and clamped, cut and stapled tissue. The procedure was apparently uneventful.

Millay was discharged the next morning. He returned just after midnight (18 hours later) on the early morning of 12-17-18 in severe pain. He was diagnosed with constipation that was related to pain medications. Millay was given a stool softener and sent home.

Millay returned to the hospital the same day. A CT revealed an abscess at the surgical site and Millay was admitted to the hospital. The next day Millay's wife (Amy) asked for another CT. It was suggestive of a

leak. Millay was taken into surgery by West. As soon as West opened Millay, he encountered a foul-smelling fluid consistent with stool. The doctor identified a donut-sized hole at the site of the staple site for the appendectomy. West performed a partial

### Instruction No. 1

It was the duty of Defendant Owensboro Health Medical Group, Inc., d/b/a Owensboro Health Medical Group Surgical Specialists, by and through its agent Dr. Michael Ray West, Jr., to exercise the degree of care and skill ordinarily expected of a reasonable and prudent general surgeon under the same or similar circumstances in the care and treatment that was provided to Plaintiff William Millay during the appendectomy performed on December 14, 2018.

State whether you are satisfied from the evidence as follows:

That in the performance of the December 14, 2018, appendectomy, Dr. Michael Ray West, Jr., failed to comply with that duty and that such failure was a substantial factor in causing William Millay's injuries:

YES

NO

### FOREPERSON (IF UNANIMOUS)

### JURORS SO FINDING (If Not Unanimous)

Rob Penny  
 Chad Forest  
 Bill Evans  
 Wally Wood  
 Shannon Banks

James Miller  
 David Carter  
 Ronald Sheffer  
 K. West

### Instruction No. 2

If you answered "Yes" in Instruction No. 1, you will determine from the evidence and award Plaintiffs William and Amy Millay a sum or sums of money that will fairly and reasonably compensate them for the following damages sustained as a direct result of Defendant's actions during the procedure performed on December 14, 2018.

You will enter below the amount(s) awarded under this instruction.

William Millay's Medical Expenses	1,003,344.00 (Not to exceed \$1,003,344.00)
William Millay's Lost Wages	50,000 (Not to exceed \$50,000.00)
William Millay's Past Pain and Suffering	1,500,000 (Not to exceed \$3,000,000.00)
William Millay's Future Pain and Suffering	500,000 (Not to exceed \$2,000,000.00)
Amy Millay's Loss of Consortium	500,000 (Not to exceed \$1,000,000.00)

### FOREPERSON (IF UNANIMOUS)

*The Millay v. West jury verdict on liability and damages*

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March 2026

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#### Daviess County

*Medical Negligence* - A surgeon was blamed for a technical error in performing an appendectomy by clamping off on diseased tissue at the base of the appendix (as opposed to more stable healthy tissue) which led to a failure of the clamp, a bowel leakage and then a course of serious infection complications including multi-organ failure and a lengthy recuperation – the doctor called the course a known complication and risk of the surgery – an Owensboro jury found for the plaintiff and awarded \$3,533,344 in damages including \$2,000,000 for the plaintiff's pain and suffering - \$3,553,344 p. 1

#### Campbell County

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#### Pike County

*Medical Negligence* - The plaintiff (she had a history of Crohn's disease) suffered a perforated colon during a colonoscopy as her gastroenterologist pushed through a stricture, all of which led to the removal of her colon and other complications – the purported medical error was pushing through the stricture with the colonoscope in light of her history – a Pikeville jury rejected the case by a 10-2 count on liability - Defense p. 5

#### Oldham County

*Auto (Police) Negligence* - A LaGrange police officer was speeding on a non-emergency call (62 mph in a 45 mph zone) near I-71 when the plaintiff's driver turned left in front of him which led to a serious crash and the plaintiff (a college student) suffering a foot injury that developed into permanent CRPS – in this lawsuit the plaintiff alleged that but for the officer's speed, her driver would have seen him and avoided the collision – the jury found the officer was at fault, but rejected that his negligence (the speeding) was a proximate cause of the accident - Defense p. 7

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#### Historical Kentucky Verdicts

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#### Notable Out of State Verdicts (Involving KY counsel) Tampa, Florida

*Motorsports Negligence* - A young Frenchman making his professional SuperCross (motorcycle racing on dirt courses) debut crashed in practice at Raymond James Stadium in Tampa and sustained a very serious cervical injury – in this lawsuit he alleged the operator of the Supercross event and a supervising doctor were negligent in failing to protect him for an enhanced injury – it was alleged the rider was moved without securing his spine which led a serious injury to be transformed into a permanently paralyzing one – the defendants denied negligence and further replied that the initial injury was devastating at the moment of the crash and thus there was no enhanced injury - Defense verdict p. 18

**School Negligence - A high school girl was sexually groomed and ultimately sexually molested, raped (often at school) and harassed by a coach and teacher for years, and school officials were advised of suspicions on eight occasions over four months and did nothing – it was only months later after an anonymous tip to state officials did the school respond and the offender promptly confessed and was later convicted of federal criminal charges that resulted in a 22-year prison sentence – the girl sued the school board as well as the principal and superintendent alleging negligence and statutory violations in failing to protect her – the case settled for \$3,000,000 as defense motions for immunity were pending**

*Jane Doe v. Rowan County Board of Education, 23-90159*

Plaintiff: Matthew C. Minner and Jonathan B. Fannin, *Minner Vines Injury Lawyers*, Lexington and Sam Aguiar and Jonathan B. Hollan, *Sam Aguiar Injury Lawyers*, Louisville  
 Defense: Michael A. Owsley and Lindsay Tate Porter, *English Lucas Priest & Owsley*, Bowling Green for Rowan County BOE

Mary Ann Stewart and Olivia F. Amlung, *Adams Law*, Covington for Defendant Jordan Mann (Principal)  
 Suzanne Cassidy and Aaron Osborne, *O'Hara Taylor Sloan Cassidy Beck*, Covington for Defendant John Maxey (Superintendent)  
 Settled: \$3,000,000 for plaintiff  
 Court: **Rowan**  
 Judge: Brian McCloud  
 Date: 2-9-26

Jane Doe (Kelsey) was a student at Rowan County High School from 2019 to 2023. Beginning as a freshman when she was just 14, Andrew Zaheri, a P.E. teacher and girls soccer coach, began to sexually groom the girl. By the time she was a junior, Zaheri was repeatedly

“While the settlement agreement provides that the settlement is not an admission of liability by the school district, we thought it appropriate to comment on the situation. ... While Mr. Zaheri is responsible for these acts, we want to take all the steps we can to prevent this conduct from happening again in the future. While all staff receive annual harassment training and their duty to report abuse, neglect, and dependency, our attorneys will conduct training this fall of the duties all school employees have to abstain from this behavior, and the obligation to report any inappropriate behavior to the appropriate authorities.

“We wish Jane Doe every success in her future. Hopefully, this significant settlement will make her financial life less stressful.”

*Rowan County's statement on the settlement*

molesting and raping the girl. There were multiple encounters that often occurred at school including in closets and the locker. Doe kept an outward appearance of success through the abuse. She was a star student and talented athlete.

By the fall of Doe's senior year at Rowan County in 2022, the wildly inappropriate relationship was no longer a secret. School officials (including Principal Jordan Mann and the Superintendent John Maxey) had begun to receive reports from students that something was amiss

between Doe and Zaheri. There were some eight reports from September to December including even from the Mayor of Morehead. The reports were brushed off. Nothing was done and the abuse continued.

In January of 2023 Doe tried to end the relationship with Zaheri and let him know she wanted to be a normal high school student. He responded with a barrage of texts and other communications to the girl. Finally a month later in February of 2023, state officials at an accountability office received an anonymous tip. Maxey

## A Historic Kentucky Verdict

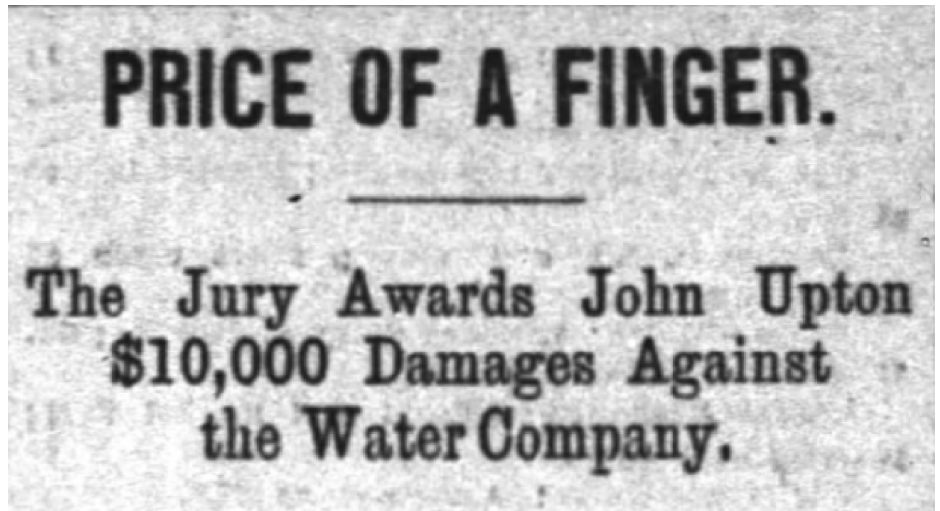
### What's it Worth?

What is it worth? That is the essential question of any civil jury trial involving a personal injury. It doesn't get any more simple than that. Nor does it get more difficult. This conundrum has always been at the heart of civil jury trial process. A group of twelve strangers is called upon to decide the personal injury dispute of other strangers known as the parties. Generally these parties are accounted for by a plaintiff who prosecutes the claim and a defendant who fights it. These parties each have their own lawyers to champion for their interests. A judge sits at the bench and disinterestedly is just there to call the balls and strikes.

That brings us to the case of John Upton and it was a classic case that illustrated the question, What's it Worth? His personal injury case began in 1890 and who could have known at the time that Upton's case would be tried FOUR times and make a trip to the Kentucky Court of Appeals.

It all started in the days before worker's compensation when Upton was working as a day laborer for the Louisville Water Company. The date was November 24, 1890 and Upton was on an excavation crew working out in the county to place a water line. He was tasked with guiding an iron rope that was attached to a pulley. Suddenly the pulley collapsed and a derrick (a moveable crane) crushed Upton's hand. The hand was badly mangled and ultimately Upton lost two fingers. He continued to suffer diminished use of the hand.

Upton sued the Water Company and alleged a defect in the iron rope. His complaint sought \$25,000 in



*The Courier-Journal headline in 1891 announcing the first verdict*

damages. The case first came to trial in December of 1891 (135 years ago) and ended oddly enough on a Saturday. [Good luck in 2026 finding a civil trial judge working on a Saturday.] The Water Company denied fault and relied on an expert witness, Dr. George Griffith, who testified that Upton's injuries would not have prevented him from performing menial labor. Upton's trial lawyers were identified as O'Neal, Phelps and Pryor.

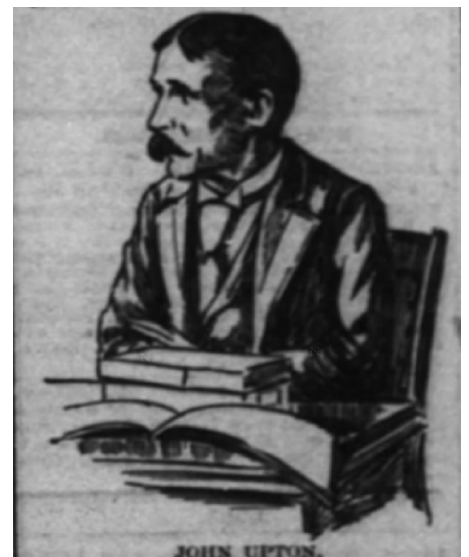
The Water Company's counsel were Judge Thomas L. Burnett and Maj. Henry M. Lane. Then as now, prominent defendants had prominent lawyers. Burnett, who had served in the Confederate Congress representing Kentucky's shadow government, was known as "one of the leading barristers of the South." Lane was no slouch either.

Also one of the best lawyers in the region, Lane had fought valiantly for the Confederacy in several campaigns and saw action at the Battle of Shiloh. Lane was resourceful too. After being captured in Georgia and while being transported on a prison train to the North, he escaped in Hart County and found friendly confederates. It is important to add context writing this in 2026 that these confederates were not viewed as

traitors to the United States at the time, but were widely respected heroes.

Back to Upton's case, it had taken a little more than a year from injury to jury trial. This Louisville jury near the end of 1891, Judge Field presiding, awarded him \$10,000 in damages. The next day the Courier-Journal wrote that Upton's case was weak and his "grounds for damages were not very substantial." The headline was even more catching. It reported in bold letters, **PRICE OF A FINGER** and then reported the \$10,000 result.

When your lawyers are Judge Burnett and Major Lee, its not over.



*The plaintiff, John Upton*

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