

# Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

April 2024

Published in Louisville, Kentucky Since 1997

28 K.T.C.R. 4

*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.

**Premises Liability - A patron at a sports bar suffered a disc injury (it was surgically repaired) and a TBI when an aluminum television shroud (it weighs 12-15 pounds) fell and struck him in the head – the shroud (it hides cables) had been installed that day not with screws but instead adhesive tape – the case was tried on damages only and the plaintiff took \$1.275 million including \$750,611 for his pain and suffering which was 9.17 times the medical bills**

*Cates v. Ruggles Sign Company,*  
22-2457

Plaintiff: Brandon W. Smith,  
Indianapolis, IN and Jason Swinney  
and Danielle Blandford Morgan,  
Louisville, all of *Morgan & Morgan*  
Defense: Zachary C. Harris and  
Denise B. Askin, *Landrum & Shouse,*  
Louisville

Verdict: \$1,275,000 for plaintiff

Court: **Jefferson**

Judge: Jennifer Bryant Wilcox

Date: 3-20-24

Nathan Cates, then age 39, was a patron on 7-23-21 at Harry's American Bar. It is a second-floor sports bar located within Malone's Restaurant in east Jefferson County. Cates was with his wife and friends and ordered lunch. He took a few bites before misfortune struck.

In setting the stage an employee of

Ruggles Sign Company had been working in Harry's Bar that morning. The employee (Bob) had installed an aluminum shroud (it covers television cables) around an elevated television. He didn't use screws to secure the shroud (it weighs 12 to 15 pounds) as Harry's Bar didn't want holes drilled. Instead Bob used an double-sided 3m fastener tape. It was the first time he'd done an installation with this method.

The TV shroud was then installed the very day that Cates showed up for lunch and had been there just a few hours. It was a nice day (warm and humid) and Harry's Bar opened the retractable roof. Thus there were elements, heat, humidity and blowing fans all at work. It was theorized a combination of those factors caused the fastener tape to come loose.

A moment later the TV shroud fell and struck Cates in the head. Surveillance video captured the entire event. Cates suffered a gash in his head and he went to the hospital where it was stapled shut.

Beyond that initial injury he complained of radiating C5-6

pain. He underwent a cervical repair surgery that December. Despite that intervention he continues to complain of a limited range of motion, numbness and headaches. Cates has also treated for a post-concussive syndrome.

Cates incurred medical bills of \$82,460. A plaintiff's IME, Dr. Camillo Castillo, Physical Medicine at Frazier Rehab, confirmed the



*Image from surveillance video depicting the TV shroud in flight before it struck the plaintiff*

**Kentucky Trial Court Review**  
**April 2024**  
**Table of Contents**

**Verdicts**

**Jefferson County**

*Premises Liability* - A patron at a sports bar suffered a disc injury (it was surgically repaired) and a TBI when an aluminum television shroud (it weighs 12-15 pounds) fell and struck him in the head – the shroud (it hides cables) had been installed that day not with screws but instead adhesive tape – the case was tried on damages only and the plaintiff took \$1.275 million including \$750,611 for his pain and suffering which was 9.17 times the medical bills - \$1,275,000 p. 1

*Truck Negligence* - Early on the morning the plaintiff proceeded through a green light (he was certain it was green) – as he went through the intersection he struck the trailer of a Fed Ex tandem truck and sustained an L4-S1 disc injury and a detached retina – the trucker countered that he had a green light and it was the plaintiff who ran the light – there were no independent witnesses and the light could not have been green for both drivers – a Louisville jury returned a defense verdict on liability - Defense p. 8

*Negligent Security* - The plaintiff was abducted and sexually assaulted as she arrived at a “Midnight Bingo” event operated by a charity at a former roller rink – in this lawsuit she alleged the lessor of the roller rink and the charity that operated the bingo (their defense was aligned at trial although they were represented separately) had inadequate security and created an “opportunity structure” for violent crime with a cash heavy business operating late at night with poor lighting and just a single security guard especially in a crime-ridden neighborhood – the defense countered that its security was reasonable and as importantly, the abduction was not reasonably foreseeable – the case was tried to a defense verdict in 2021 but the then-presiding trial judge (Bisig, now on the Supreme Court) concluded her instructions were error and ordered a new trial – at the second trial 2.5 years later before a different judge, the plaintiff prevailed and took damages of \$2.5 million - \$2,500,000 p. 9

**Fayette County**

*Medical Negligence* - The elderly plaintiff suffered a complex leg fracture in an unusual incident when a car crashed into a house and pinned her in the kitchen between the refrigerator and a countertop – then weeks after a surgery to install an IM nail to set her femur, an orthopedist placed a sponge during a VAC wound closure – it was alleged that this orthopedist forget and abandoned the sponge as did a second orthopedist a few days later that exchanged the VAC – the sponge then went undiscovered for 2.5 years and led to a second surgery to remove it – the doctors denied they’d left the sponge behind and suggested it was left by home health nurses who saw the plaintiff after the surgery - Defense p. 3

**Clark County**

*Auto Negligence* - The plaintiff complained of an SI joint injury, a frozen shoulder and an emotional injury after a moderate “at speed” rear-end crash on the Bluegrass Parkway – the plaintiff took \$500,000 for pain and suffering which a little less than five times her medical bills - \$601,853 p. 4

**Oldham County**

*Horse Trail Negligence* - The plaintiff, a teenage woman, suffered a TBI when she fell from a horse on a trail ride – the case implicated the Kentucky’s Farm Animal Accountability Act (passed in 1996) and required proof the trail ride provider either failed to provide appropriate equipment or assess the plaintiff’s ability to the activity safely – the plaintiff argued there was no measurement of her tack and the defendant failed to assess her abilities – the jury found the trail ride provider solely at fault and the verdict included \$1,000,000 for the plaintiff’s pain and suffering - \$3,380,921 p. 6

**Federal Court - Louisville**

*Employment Retaliation* - The Director of Human Resources at a nursing home was fired two weeks after she alleged sexual harassment when a supposedly “routine” audit discovered she didn’t have a nursing license – the plaintiff countered this was retaliation as it was true she didn’t have a license (she’d surrendered a few years earlier and was in recovery but she’d informed her boss and it was not relevant to her work in HR – the jury awarded her lost wages of \$22,105 as claimed and \$177,895 for emotional distress to reach an even \$200,000 - \$200,000 p. 12

**Perry County**

*Uninsured Motorist* - The plaintiff complained of the aggravation of a pre-existing disc condition following a minor parking lot collision – a Hazard jury rejected the case and returned a threshold verdict - Threshold p. 14

4 Q. Uh-huh. And let's back up a little bit. You  
5 told us earlier -- it sounded like, and I want to make  
6 sure I understood this. Do you still do surgeries or  
7 are basically is this all you do, testify for lawyers  
8 and get paid by insurance companies for testifying for  
9 lawyers?

0 A. I don't do surgery anymore. I can't afford  
1 the malpractice insurance --

2 Q. Well, let me ask you this.

3 A. -- because of all the suits.

*A portion of the Kriss Cross-Examination (full cross at the link below)*

“no” to both the threshold questions, (permanent injury and \$1,000 in reasonably necessary medicals) and thus did not move on to damages. A defense judgment was entered for Westfield and the case is closed.

**Case Documents:**

[Complaint](#)

[Expert Kriss Cross-Examination](#)

[Jury Verdict](#)

[Final Judgment](#)

---

### About Jury Verdict Publications

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.

Our current list of publications includes the:

Alabama Jury Verdict Reporter- 2001-  
Federal Jury Verdict Reporter - 2005-  
Indiana Jury Verdict Reporter - 2000-  
Kentucky Trial Court Review - 1997-  
Louisiana Jury Verdict Reporter - 2010-  
Mississippi Jury Verdict Reporter - 2010-  
Tennessee Jury Verdict Reporter - 2004-

---

The Kentucky Trial Court Review is published at 9462 Brownsboro Road, No. 133 Louisville, Kentucky 40241; Denise Miller, Publisher; Shannon Ragland, Editor and Aaron Spurling, Assistant Editor. Annual subscriptions are \$369.00 per year. [Including sales tax, \$391.14 for Kentucky residents.]

**E-Mail** - [Info@juryverdicts.net](mailto:Info@juryverdicts.net)

---

Reproduction in any form, including office copy machines, or publication in newsletters or reporters, in whole or in part, is forbidden and prohibited by law, except where advance written permission is granted.

Copyright © 2024

All Rights Reserved, The Kentucky Trial Court Review, LLC

---