

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

April 2026

Published in Louisville, Kentucky Since 1997

30 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.

Underinsured Motorist - The plaintiff, the owner of a small construction firm, was struck head-on in a hard crash with an intoxicated driver – the plaintiff treated for temporary soft-tissue symptoms, a concussion and a permanent aggravation of a pre-existing lumbar condition – the plaintiff settled with the tortfeasor for his \$100,000 limits and then sought UIM coverage (under a \$500,000 policy) from his carrier – the verdict totaled \$954,437 (exceeding both the floor and the ceiling of UIM coverage) and included \$550,000 for pain and suffering

Hernandez v. Acuity Insurance, 23-73

Plaintiff: Danielle R. Blandford and Mitchell Stoltz, Louisville, Adrian Mendiondo, Lexington and Kelli Lester, Bowling Green, all of *Morgan & Morgan*

Defense: Jason S. Morgan and Abigail M. Thompson, *JSM Law*, Georgetown
Verdict: \$953,437 for plaintiff

Court: **Spencer**

Judge: Melanie Brummer

Date: 4-17-26

Juan Hernandez, then age 47, was driving his late model Dodge pick-up truck on 5-30-22. A Mexican native who has been in the states for a quarter century (married with kids) he operates his own construction business. He was coming home from

work and traveled on Lily Pike in Spencer County.

Shawn Bruce approached from the opposite direction. Bruce (he's now in prison after having his probation revoked on another set of criminal charges) was highly intoxicated on a cocktail of drugs. He was speeding and out of control as he drove in a Chevrolet Spark.

Hernandez was coming from the opposite direction and could see Bruce was in his lane. Hernandez slowed down and tried to shift to the side of the road. He still couldn't avoid Bruce. There was a tremendous head-on collision. Bruce's sedan was virtually unrecognizable after the crash. His injuries were so severe the investigating officer did not believe he would survive. Bruce was choppered to a hospital from the scene.

Hernandez (he wasn't wearing a seat belt) was shaken at the scene too and was able with some effort to open the door on his truck. He was taken to the ER where he was treated for assorted soft-tissue injuries (neck, wrist and knee) as well as a concussion.

Hernandez has more persistently

complained of the aggravation of a prior lumbar condition. His treating orthopedist, Dr. Michael Casnellie, Louisville, linked that aggravation injury to the wreck. Hernandez has had some relieve with epidural steroid injections and there was proof he will need an ongoing course of care to manage his symptoms. A life care plan expert, Shirley Daughterty, Muncie, IN, quantified that loss. Hernandez incurred medical bills of \$82,137. His future medicals were \$321,300.

Hernandez first moved against Bruce. Bruce tendered his \$100,000 limits. In this lawsuit Hernandez sought UIM coverage from his carrier, Acuity Insurance. The policy limits were \$500,000. Thus Hernandez would access the floor of the UIM coverage with an award over \$110,000 (the underlying limits and PIP) and exhaust it at \$610,000. His claimed damages were his specials as noted above. The jury could also award him sums in separate categories for past and future suffering.

Acuity conceded fault. Its IME, Dr.



The vehicles involved in Hernandez v. Acuity

Kentucky Trial Court Review

April 2026

Table of Contents

Verdicts

Jefferson County

Dogbite - The plaintiff was visiting at his cousin's house when Hank the Akita (the dog had a history of five bites) bit the plaintiff on the hand – the wound became infected and required a surgical repair at which time it was also noted the ulnar nerve in the plaintiff's finger was severed – the case was tried on strict liability (the court concluded there wasn't negligence and thus there could be no gross negligence or punitive damages) and the plaintiff took specials of \$63,992 plus \$25,000 more for pain and suffering - \$88,992 p. 5

Medical Negligence - The plaintiff "woke up" for several minutes during the surgical repair of a complex ankle lower tib-fib fracture including placing a tibial nail -- beyond the horror and pain of those minutes, she has continued to complain of disabling emotional symptoms – in this lawsuit she blamed her anesthesia team (anesthesiologist and two CRNAs) for a constellation of errors in managing her care that led to this profound failure – the defendants replied that they had properly managed the care and then responded quickly to the anesthesia complication, and finally that the plaintiff had a long history of pre-existing anxiety and depression - Defense verdict p. 7

Auto Negligence - The plaintiff (an eggshell plaintiff of sorts) alleged a minor rear-ender aggravated a microdiscectomy from a few months earlier which him to suffer chronic pain which in turn led the plaintiff (he operated The Highland Fish Market) to sell the business early and retire – in this very unusually organized case, the jury first rejected the lost wages claim and then went to the "permanent injury" threshold and rejecting that, the jury then did not go on to reach non-economic damages – the plaintiff's motion for a new trial is pending at the time of this report - Defense verdict p. 10

Spencer County

Underinsured Motorist - The plaintiff, the owner of a small construction firm, was struck head-on in a hard crash with an intoxicated driver – the plaintiff treated for temporary soft-tissue symptoms, a concussion and a permanent aggravation of a pre-existing lumbar condition – the plaintiff settled with the tortfeasor for his \$100,000 limits and then sought UIM coverage (under a \$500,000 policy) from his carrier – the verdict totaled \$954,437 (exceeding both the floor and the ceiling of UIM coverage) and included \$550,000 for pain and suffering - \$954,437 p. 1

Butler County

Employment Retaliation - A supervisor at a manufacturing facility alleged she was fired in retaliation for complaining of sexism by her fellow floor supervisors – the company argued she was let go because of poor attendance, the company applying its policies in an even-handed and consistent manner

– the plaintiff prevailed on KRS 344 retaliation and took back pay of \$80,000 and \$100,000 more for emotional harm - \$180,000 p. 3

Wayne County

Medical Negligence - A nursing home patient died after developing a rare autoimmune skin disease (bullous pemphigoid) after her dermatologist (not a defendant at this trial and was venued to another county) failed to prescribe a steroid because of risks associated with her underlying diabetes – the skin condition worsened without steroids, the plaintiff was transferred to UK Hospital where she died a few days later – in this lawsuit (there was a separate settlement with the dermatologist), the estate blamed the nursing home for failing to intervene and advocate on the plaintiff's behalf, as well as a primary care physician for not recognizing the dermatologist's interventions were failing - Defense verdict p. 6

Federal Court - Covington

Civil Rights - A jail inmate (age 61 and picked up on a probation violation) was placed in a small isolation cell at a county jail with a mentally ill inmate – while the isolation cell was supposed to be monitored every 10 minutes, it was not and the next day the mentally ill man killed the plaintiff – the estate alleged a *Monell* civil rights violation against the county for failing to train and supervise jail staff in classifying and housing inmates - Defense verdict p. 9

Lawrence County

Insurance Contract - The plaintiff sought to recover damages from her homeowner's insurance after a fire destroyed her home - - the insurer denied the claim and argued the plaintiff or her husband (he's back in jail on a parole violation after threatening a fire investigator with a gun) had intentionally set the fire – a Louisa jury found that they had and exonerated the insurer, that finding also extinguishing a separate bad faith claim that was bifurcated - Defense p. 12

Historical Kentucky Verdicts

Perry County

Products Liability - The plaintiff, an electrician, suffered a catastrophic burn injury when his voltage meter purportedly malfunctioned and an electrical arc exploded in a power source where the plaintiff believed the power had been cut off – this jury trial (now almost 20 years old) remains the "gold standard" for an electrocution verdict in Kentucky - \$14,999,999 p. 13

A Short History of Ambulance Chasing in Kentucky p. 14

A Short History of Ambulance Chasing in Kentucky

In the modern era there is a widely held perception that we live in a litigious society. Lawsuits have suddenly skyrocketed out of control. Every plaintiff is looking for a quick settlement. Lawyers (especially the ones that advertise on television) are preying on our communities, driving up insurance costs with jackpot settlements.

In fact the very idea of lawyer solicitation being legal in the United States is a Kentucky original. Louisville attorney, Richard Shapero, sought to solicit bankruptcy foreclosure clients via letter in 1985. He sought approval from the Kentucky Bar Association which called his letter "pure salesman puffery" and it disallowed the advertising.

Shapero was not deterred and appealed to the Kentucky Supreme Court. It affirmed the bar association. Shapero took the next step. An appeal to the United States Supreme Court. In a 6-3 opinion, Justice William Brennan reversed and held that a "truthful and non-deceptive letter" was preferable to an in-person solicitation. While it was more invasive than a television advertisement, Brennan held it was protected commercial speech. Shapero got to send his solicitation letters and after the *Shapero v. Kentucky Bar Association* opinion, the letters became common. In fact for a time, one could hardly be involved in a car accident or otherwise make a public filing without receiving lawyer solicitation letters.

The focus of this article is ambulance chasers. The thing about ambulance chasers and the practice of ambulance chasing, is that it is an old phenomenon. It has a long

history in Kentucky, dating back well over 100 years.

The idea of ambulance chasing was discussed in a May 1905 article in the *Courier-Journal*. Then as now, ambulance chasing was not popular. The paper wrote (in 1905 remember) that "the occupation of ambulance chasing" had come "much into vogue" in the last few years. An ambulance chaser is "one who hangs around a hospital till the ambulance starts out to answer a call" and then follows it back to the hospital. Then upon learning the person's name, he "straightaway rushes off to a lawyer" who makes a practice of "inducing persons" to sue street railways and other corporations. The ambulance chaser is rewarded, the article explained, "according to the number of cases he is instrumental in securing for his lawyer."

The Kentucky Bar Association wasn't happy about it either. It sought in 1906 to introduce legislation to go after the "shysters" who solicited personal injury clients and make that conduct a misdemeanor. Rep. Will Young from Bath County introduced just such legislation in 1906. While there was public outcry (and lawyers too even decried the practice), it did not become law. The prohibition against ambulance chasing would however become a part of the Code of Civil Procedure as it was then called.

A year later the issue of ambulance chasing (and a response to it) came in the case of Josephine Goldnamer versus the Louisville and Nashville Railroad. The law firm of Tarvin & Huggins had undertaken to represent Goldnamer and a lawsuit was filed. However the railroad pulled a fast one and entered a settlement with Goldnamer behind the law firm's back. The law firm then was deprived of its fee.

The law firm filed a lawsuit

against the railroad to recover its fee. The railroad countered that as the lawyers (Clem Huggins particularly) had improperly solicited Goldnamer in violation of public policy and good ethics, it was entitled to nothing. In a brief to the court, the colorful Huggins (described as silver-haired and possessing a southern drawl) denied the improper solicitation as "absolutely untrue" and he went into a vigorous defense of the ambulance chaser.

In fact rather than being an evil, the ambulance chaser was a "positive blessing" on the community who undertook the poor and defenseless who have been wronged and have a cause of action. The culprit, Huggins thought, was promulgated by the "great corporations" and their unscrupulous lawyers. In fact it was the "so-called ambulance chasers" that make corporations act more carefully as they know the ambulance chasers are closely watching. Huggins concluded that it was appropriate for a lawyer "to decently and properly" suggest to "prospective litigants that he would faithfully and conscientiously represent" their interests. The presiding Judge O'Doherty declined to grant the law firm's relief.

The notion that there were too many lawsuits being filed isn't new either. In 1913 there were more than 10,000 damage suits filed in Jefferson County. That is not that many more than today. And the claimed damages (that was back when you could do that), were in excess of \$12,000,000. It was noted . . . in January of 1914 that "the propensity of humanity to go to law on slight provocation" and that of the 10,000 cases, "many are utterly without merit." The ancient writer was also worried about how much of the \$12,000,000 would be realized in the

The Kentucky Trial Court Review
9462 Brownsboro Road, No. 133
Louisville, Kentucky 40241
502-644-9017
Online at Juryverdicts.net

Since 1997 From Paducah to Pikeville, Covington to London
Comprehensive and Timely Kentucky Jury Verdict Coverage

Ordering is Easy

The Kentucky Trial Court Review
The Most Current and Complete Summary of Kentucky Jury Verdicts
Call to Place your MasterCard/Visa Order - 1-502-644-9017

Return with your check to:
The Kentucky Trial Court Review
At the above address

___ \$399.00 for a one year subscription to the
Kentucky Trial Court Review
(\$422.94 including 6% sales tax)

Your e-mail

Name

Firm Name

Address

City, State, Zip