

Kentucky Trial Court Review

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April 2024

Published in Louisville, Kentucky Since 1997

28 K.T.C.R. 4

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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