

Kentucky Trial Court Review

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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 - The plaintiff (a medical assistant at an allergist's office) was working at her desk when suddenly an elderly woman hit the gas rather than the brake while parking outside the office – the elderly woman then crashed her SUV into the building and the plaintiff suffered injuries when she was trapped at her desk by a falling window – the plaintiff settled with the elderly woman pre-litigation for her \$100,000 limits and then sought damages from the property owner in this premises liability case alleging negligence in not having bollards or other parking protection to prevent the purportedly foreseeable hazard of an out-of-control driver

Rotruck v. DuPont Urology Properties, 20-3055

Plaintiff: James M. Bolus, Jr. and Miles Mussetter, *Bolus Law Offices*, Louisville and Robert C. Heuke, Jr., *Stout & Heuke*, Louisville

Defense: Deanna M. Marzian Tucker and Matthew R. Londergan, *Barnes Maloney*, Louisville

Verdict: Defense verdict on liability

Court: **Jefferson**

Judge: Jennifer Wilcox

Date: 11-22-24

Stephanie Rotruck, then age 47, was working on 5-31-19 in medical billing for Forrest Kuhn Allergy. Dr. Kuhn rents office space from DuPont

Urology Properties in St. Matthews. It is an ordinary single-story office building. Rotruck's desk faced a large window that fronted the building. The design of the parking lot allows patrons to park "nose-in" directly in front of the building in a perpendicular fashion.

This morning an elderly patient, Kathleen Sullivan, age 88, appeared for her appointment. She began to park her Kia Sportage SUV. Sullivan hit the gas instead of the brake. Her vehicle crashed into the office building. The large window fronting Rotruck's desk crashed down upon her. She was briefly pinned between the window

and a safe next to her desk.

Rotruck was taken to the ER and underwent a battery of tests. While she was shaken and sore, she had not suffered any fractures. Rotruck has since treated for chronic low-back pain related to an L4-5 disc injury. She walks with a slight limp.

Rotruck's had a significant course of care including epidural injections with the treating Dr. Charles Crawford, Orthopedics, Louisville.

Rotruck moved first against Sullivan (the driver) in pre-litigation. Sullivan paid her \$100,000 policy limits. While never a party to the litigation, her duties would remain



A set of pictures depicting the DuPont Urology incident

[Defense Trial Memorandum](#)
[Final Judgment](#)

Prison Medical Care - Civil Rights - A pre-trial detainee (who became a prisoner) during a stint at a county jail alleged jail nurses were deliberately indifferent to a looming spinal abscess and by the time there was an intervention it was too late and the plaintiff suffered permanent paralysis – the prison nurses denied deliberate indifference or that their care contributed to the poor outcome *Thomas v. Southern Health Partners*, 2:21-12
 Plaintiff: Benjamin T.D. Pugh and Christopher D. Roach, *Pugh & Roach*, Covington
 Defense: Judd R. Uhl and Bradley S. Fyffe, *Lewis Brisbois*, Lexington
 Verdict: Defense verdict on liability
 Federal: **Covington**
 Judge: David L. Bunning
 Date: 2-13-25

Georgia Thomas, then age 43, was having a difficult time in December of 2019. She injured her low-back in a slip and fall on 12-17-19. Thomas sought treatment several times over next month for low-back pain. There was no certain resolution of the problem.

Thomas was arrested on 1-24-20 on a probation violation. She was booked in the Kenton County jail that afternoon. Upon her arrival Thomas felt almost paralyzed and weak. She would mostly just lie in her bed at the jail unless she was helped up.

Thomas made several sick call requests over the next month including on 1-26, 2-4, 2-9, 2-16 and 2-20. Health care at the jail was provided by a private contractor, Southern Health Partners (SHP). The medical director at the jail was Dr. David Suetholz. Two SHP nurses, Caitlin Brand and Christine Troendle managed Thomas' care and handled

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her sick call requests.

By 2-23-20, Thomas' condition was much worse. She could not walk to the toilet. It was so bad her fellow cellmates placed her on a sheet so that she could be dragged to the toilet. A sick call request went in and Troendle placed Thomas in a medical cell. By this time Thomas could no longer stand or walk. She'd also lost bladder control.

The next day (2-24-19) Thomas was taken to a local hospital. It was determined that she was suffering from a spinal epidural abscess (SEA). This is a rare and serious condition. Thomas underwent a thoracic decompression and irrigation from T8 to T11 to treat the SEA the same day. It was performed by Dr. Tann Nichols, Neurosurgery. That intervention came too late. The SEA had already compressed Thomas' spinal cord for so long that a

permanent nerve injury was sustained. Thomas is now a permanent paraplegic.

Thomas filed this lawsuit against SHP and its nurses alleging they were deliberately indifferent to a serious medical need. That is for several weeks she was suffering from a looming SEA crisis and defendants were diffident and uninterested in her care.

An expert, Dr. Grady Bazzel, Correctional Medicine, Franklin, TN, indicated Thomas had all the hallmarks of this condition. This was especially so because there is a heightened risk of a SEA for a drug user.

Bazzel expressed belief the nursing care (Brand and Troendle) was apathetic. Moreover instead of following up with Thomas after her sick calls, Thomas was told to make a new sick call form. Bazzel's report