

Kentucky Trial Court Review

May 2022

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Verdicts

Jefferson County

Premises Liability - As the plaintiff walked outside a Kohl's department store, an aggressive Canadian goose charged at her – while it didn't actually bite or touch her, the goose caused the woman to lose her balance and fall, all of which resulted in a broken wrist – she blamed Kohl's for failing to safeguard against the goose - Defense p. 7

Nursing Home Negligence - A nursing home was blamed for grossly negligent care in treating an elderly patient over a course of five years – a Louisville jury assessed punitive damages of \$3,000,000 that were reduced post-trial by the trial judge to \$1.5 million – the nursing home has since appealed from that order - \$3,094,276 p. 9

Barren County

Police Negligence - After a high speed pursuit the defendant (a Glasgow police officer) repeatedly pistol-whipped the suspect – the plaintiff (a Barren County deputy sheriff assisting in the arrest) was accidentally shot by the defendant and suffered a paralyzing injury to his left arm – in this lawsuit he alleged negligence by both the defendant in shooting him as well as his employer (the Glasgow Police) for negligent training and supervision – a Glasgow jury valued the plaintiff's pain and suffering at \$3.75 million - \$5,785,000 p. 1

Fayette County

Premises Liability - The plaintiff was shopping at a Kroger that was being renovated when a shelf suddenly collapsed and struck her in the back of the head – the impact was linked to an occipital nerve injury and ongoing chronic pain - \$169,537 p. 3

Medical Negligence - The plaintiff (a long-time smoker) treated with her pulmonologist for COPD in 2009 and a radiologist read an x-ray to indicate a mass in the plaintiff's lung and thus recommended a CT scan – the pulmonologist (the defendant herein) didn't believe a CT scan was needed and eight years later the plaintiff was dead of lung cancer – her estate alleged the pulmonologist erred in failing to order a CT scan in 2009 or even in the eight years that he continued to treat her - Defense p. 8

Kenton County

Disability Discrimination - The plaintiff suffered from an anxiety disorder that is triggered by birthday parties, among other events, because of his unhappy childhood – the plaintiff knew in advance of his birthday that his employer celebrated employee birthdays and fearing this triggering event, he told his boss not to have a cake for him – the company had a party anyway and it triggered a panic attack – the company fired him a few days later after the panic attack and a separate panic attack when he was called in to explain that first panic attack – the plaintiff then sued and alleged this course of conduct represented disability discrimination- \$450,000 p. 4

Russell County

Medical Negligence - The plaintiff linked an error in placing a chemotherapy port after a left-sided mastectomy (and failing to monitor the port thereafter) on an extravasation injury whereby chemotherapy leaked into her chest wall – this was then linked to a repair surgery and the need to remove her otherwise healthy right breast - \$336,846 p. 6

Madison County

Workplace Negligence - A painting contractor fell while painting stairs at an under-construction home – he blamed the general contractor for taking out a safety rail that would have protected him from the fall - Defense p. 9

Whitley County

Auto Negligence - The plaintiff complained of a cervical and lumbar herniated discs after a right-of-way crash but declined pain management care because of a fear of the treatment, instead opting to live with the pain – the jury's verdict for pain and suffering was \$45,000 which was 3.8 times the medical bills - \$75,615 p. 10