

# Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

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*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.

**Medical Negligence - A teenage girl (age 14) suffered a serious lower extremity injury (high ankle sprain and tib-fib fracture) in an icy slip and fall at her high school – she blamed her orthopedist for not using hardware to set the fracture in his initial surgery, which led to a subsequent repair 10 months, a long recovery and a lifetime of pain and complications – the case was tried to a jury 16 years after the fall (the plaintiff is now 30) and a London jury returned a defense verdict for the orthopedist**

*Hildebrant v. Belhasen, 14-463*

Plaintiff: E. Liddell Vaughn, *Anderson & Vaughn, Louisville*

Defense: Benny C. Epling, II and S. Brent Black, *Epling Law Office, Lexington*

Verdict: Defense verdict on liability

Court: **Laurel**

Judge: Michael O. Caperton

Date: 4-30-26

Kamryn Baker (now Hildebrant) was 14 on 2-12-10 and was a student at North Laurel High School in London. The parking lot was covered with black ice. Hildebrant slipped and suffered a severe high ankle sprain. She also tore ligaments and had a tib-fib fracture. This was a serious injury.

Hildebrant was taken to the ER at Baptist Corbin. The ER physician splinted her leg. He also

Conclusions and Plan: It is my opinion and, within a reasonable degree of medical probability, after review of the medical records and physical examination performed today, that Kamryn Baker suffered complex left ankle fracture with disruption of distal syndesmotic ligament on February 12, 2010. It is my

d 14-CI-00463 10/24/2019 Roger Schott, Laurel Circuit Clerk

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opinion and, within a reasonable degree of medical probability, after review of the medical records and physical examination performed today, that treatment provided for Kamryn Baker, specifically subsequent 2<sup>nd</sup> surgery to be necessary for recurrent widening of the left lower leg syndesmosis and medialization of the left tibia. As a direct result of slip and fall on ice on February 12, 2010, Kamryn Baker has suffered new limitations and restrictions which include commonsense avoidance of prolonged standing and walking, and avoidance of high impact activity left leg requiring periods of rest and elevation and infrequent use of compression stocking. Using the fifth edition AMA Guides to the Evaluation of Permanent Impairment, this patient has suffered a 4% whole person impairment, calculated from Table 17-31 on page 544 confirmed with Table 17-38 on page 554. It is my opinion that this patient, despite appropriate previous conservative treatment performed, would significantly benefit from additional medical treatments with estimated costs, which include:

*A portion of the plaintiff's expert disclosure from Dr. McEldowney*

communicated with a local orthopedist, Dr. Ronald Belhasen. It was a Friday and the plan was for Belhasen to see her the following Monday.

Belhasen saw Hildebrant that Monday. There would be fact disputes about what occurred. Hildebrant recalled she was never told about the possible need for a plate and screws to be inserted to fix the fracture. Her family also remembered the doctor's focus was the ankle sprain. Belhasen countered that he explained an open reduction with hardware was a possibility, but he hoped to avoid that by achieving a good reduction with proper anatomic alignment by only addressing the ankle issue.

That fact dispute aside, Belhasen operated the next day. He concluded

(he considered this fortunate) that an open reduction with a long and deep incision (fraught with risks and complications) would not be necessary. He reduced the ankle with the Athrex Tightrope method. The bones in the fibula fracture came together and Belhasen believed they would heal on their own.

That's not how it worked out. By the summer of 2010, it was clear radiographically that a problem was developing and Hildebrant would need a second surgery. She initially declined a repair surgery but after consulting with two orthopedists who indicated she needed it, Hildebrant consented. The procedure was performed on 12-28-10 by Dr. Lisa Degnore, a Lexington orthopedist. She placed a plate and

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**Kenton County**

*Underinsured Motorist* - A distracted driver crossed the centerline and broadsided the plaintiff, causing his vehicle to roll-over several times and land on its roof – the plaintiff has since treated for the aggravation of bilateral hernias and rotator cuff injury – he settled with the tortfeasor and sought UIM coverage from two carriers – the jury awarded medicals and future medicals (single category) of \$134,344 and the odd number of \$440,655 for pain and suffering to reach a round verdict of \$575,000 - \$575,000 p. 3

**Whitley County**

*Nursing Home Negligence* - The plaintiff alleged global neglect by a nursing home and sought \$60,000,000 in damages at a 2023 jury trial – a defense verdict was returned but the trial court ordered a new trial after interrogating a juror who felt pressured in the jury room – that second trial was conducted three years later (the subject of this report) and again resulted in a defense verdict - Defense verdict p. 5

**McCracken County**

*Jones Act* - A rookie deckhand on a vessel on the river tugboat suffered injuries when while moving coiled wire, a wire popped out, struck him in the mouth and caused him to jerk his neck which in term led to a cervical disc injury – the deckhand alleged the workplace was unsafe (the coils of wire were negligently maintained) and that this led to his injury – the marine company replied there was no negligence even under the reduced Jones Act standard of care and the injury occurred as the plaintiff performed a routine task - Defense verdict p. 6

**Federal Court - Ashland**

*Civil Rights* - In this case of fact disputes, the plaintiff alleged he was roughly arrested, battered and then subjected to both state and federal malicious prosecution claims after the police were called by a Good Samaritan after purportedly witnessing a “rolling domestic” where the plaintiff (a car passenger) was abusing his driver - Defense verdict p. 8

**Shelby County**

*Auto Negligence* - The plaintiff alleged on a rural road that a teen driver sideswiped her vehicle which caused her to then collide with a second car (the teen’s girlfriend who was following the teen), the plaintiff suffering a cuneiform foot fracture – the defendant alleged the plaintiff was speeding and crossed the centerline – the jury resolved the case on liability for the defendant - Defense verdict p. 9

**Fayette County**

*Medical Negligence* - An elderly woman suffered a puncture injury to her spleen during a biopsy which led to hemorrhagic shock and her death – her estate alleged error by a treating interventional radiologist for “sticking” her spleen multiple times and attempting the procedure when the woman’s blood platelet levels were very low – the doctor replied the procedure was indicated and hemorrhagic event was a complication of the procedure and in any event the plaintiff’s demise was related to an unrelated lymphatic condition - Defense verdict p. 10

**Historic Kentucky Verdict**

**Federal Court - Covington (June 1981)**

*Products Liability* - A teenage footballer was left a quadriplegic when his neck snapped while making a tackle during a high school game – in this products liability case, he alleged the helmet was defective because it had inadequate padding – a Covington jury made a record personal injury award of \$7.042 million (\$25 million plus in 2026 dollars) that was reduced by remittitur to \$2.347 million - \$7,042,019 p. 11

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*Medical Negligence* - Complications from code event in the emergency room - Defense p. 13

**Memphis, TN**

*Medical Negligence* - Toddler died after alleged error in failing to diagnose bacterial infection - \$182,002,426 p. 14

**Lebanon, IN (Kentucky counsel involved)**

*Truck Negligence* - Motorcyclist injured in crash with a dump truck - \$885,000 p. 15

Richard Sacher, Hematology, Cincinnati, OH, believed that Fassas died not because of the splenic event, but rather a rare and fatal lymphatic condition known as HLH (Hemophagocytic Lymphohistiocytosis). Dr. Henry Rindner, Hematology, Yale (a disclosed expert by Badin) also testified at trial.

This case was tried for four days in Lexington. The instructions asked if Krohmer had violated the “interventional radiology” standard of care. The answer was no (it was unanimous) and the jury then didn’t reach the duties of the now non-party Badin, apportionment or damages. A defense judgment was entered.

**Case Documents:**

[Complaint](#)

[Plaintiff Expert Disclosure](#)

[Defense Expert Disclosure](#)

[Jury Verdict](#)

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## A Historic Kentucky Verdict

**Products Liability - A teenage footballer was left a quadriplegic when his neck snapped while making a tackle during a high school game – in this products liability case, he alleged his helmet was defective because it had inadequate padding – a Covington jury made a record personal injury award of \$7.042 million (\$25 million plus in 2026 dollars) that was reduced by remittitur to \$2.347 million**

*Wright v. Riddell, Inc.*

Plaintiff: Kathryn Burke and Francis Burke, Pikeville and Stephen Owens, Paintsville

Defense: Nolan Carter, Jr., Lexington

Court: **Federal-Covington**

Judge: William Bertelsman

Verdict: \$7,042,019 for plaintiff

Date: June 5, 1981

Ronald Wright, then age 15 and a sophomore, was a middle linebacker in 1976 for the Prestonsburg Black Cats football team. On a Friday night

in October, Prestonsburg hosted Morgan County in a football game. Wright was providing coverage on a kick-off.

As Wright went to make the tackle, his opponent’s knee drove into his helmet. Wright’s neck snapped at the C-5 level. He was left a permanent quadriplegic. Wright had some feeling in his arms but was left paralyzed from the chest down. He spent months in a hospital after the injury. Wright was later able to attend a year of school at the University of Kentucky but was otherwise disabled.

Wright pursued this lawsuit in federal court in Covington and alleged his Riddell–manufactured helmet (a PAC-3 model) was defective in that it lacked sufficient padding. That defect then led to his permanent injury. Riddell denied fault and cited the forces of the impact.

The case was tried in Covington for two weeks in May and June of 1981, and the jury then deliberated for six hours. Wright built his case in part by

using a day-in-the-life video to illustrate the effect of his injuries. The jury found for Wright on liability. He took medicals of \$42,019 plus \$2,000,000 more for his life care plan. The jury awarded him \$2,000,000 more for his lost earning capacity and pain and suffering. The verdict against Riddell totaled \$7,042,019. It was described as the largest personal injury verdict in the history of Kentucky at that time. The award would be about \$25 million in 2026 dollars.

Judge Bertelsman subsequently denied



*An example of a 1976 Riddell Pac-3 model*

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