

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

June 2026

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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.

Auto Negligence - The plaintiff complained of soft-tissue neck and back injuries (the defense conceded this mostly) after a moderate rear-end crash, the key issue being whether a cervical disc injury that requires surgery was related – the plaintiff’s expert (Gilbert) said it was while the defense IME (Stephens) believed the condition was related to degenerative conditions

Mollette v. Callahan, 24-90116

Plaintiff: Daniel Frederick, *Frederick Law Office, West Liberty*

Defense: John J. Ellis, *Dehner & Ellis, Morehead*

Verdict: \$21,518 for plaintiff

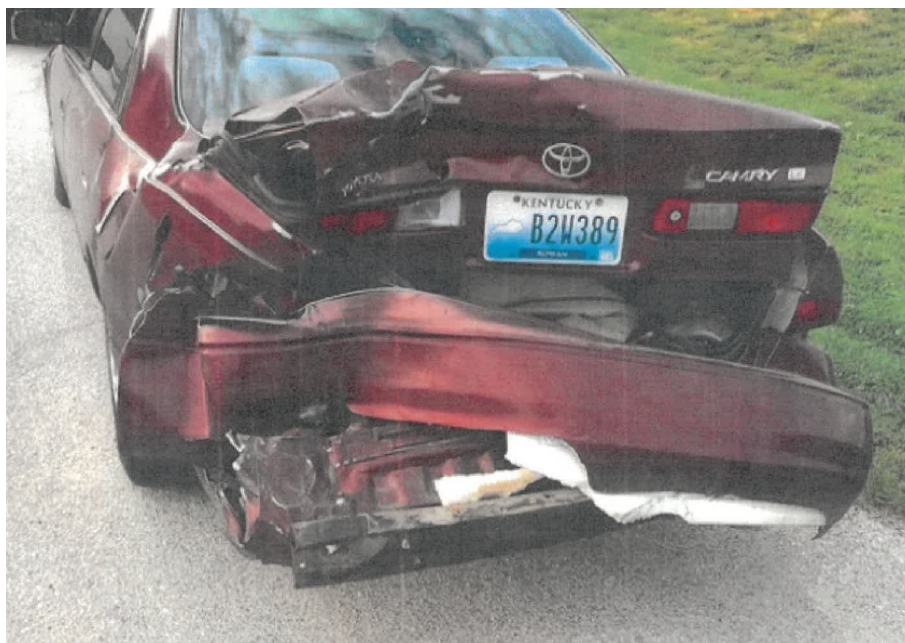
Court: **Rowan**

Judge: Elizabeth Davis

Date: 6-2-26

David Mollette, age 31 and a prison guard, traveled on U.S. 60 in Morehead on 8-17-23. He was stopped waiting to make a left turn in a 1999 Toyota Camry. A moment later he was rear-ended by Edward Callahan. Callahan was driving a Chevrolet pick-up truck. This was no fender-bender. It was a hard hit that resulted in moderate damage to Mollette’s vehicle.

The police were called to the scene and a report was taken. The report indicated there were no injuries. In fact Mollette was as he said, “shook up.” A friend came to the scene and drove him to the ER at St. Claire



Mollette’s Toyota Camry after this rear-end crash

Medical Center. He was treated for soft-tissue neck and back pain.

Thereafter Mollette treated with a chiropractor (Matthew Whitt, West Liberty) for soft-tissue symptoms. That represented some eight visits. Mollette continued to report radiating neck pain.

A plaintiff’s IME, Dr. John Gilbert, Neurosurgery, Lexington, evaluated Mollette and identified a cervical disc injury. Gilbert also opined that Mollette will require a repair surgery and he linked it to this accident.

In this lawsuit Mollette sought damages from Callahan. He sought his medical bills of \$11,518 and \$1,010,000 more for future care as described by Gilbert. Mollette could take \$300,000 each for past and future suffering.

Callahan conceded fault (sort of, see below) and defended the case on damages with a double-team of IMEs. The first was Dr. Christopher Stephens,

Orthopedics, Lexington. He believed that Mollette sustained a cervical strain imposed on degenerative conditions and noted a so-called “exacerbatory” effect. However he did not believe the crash resulted in any disc injury that required ongoing care. A second defense expert was Dr. Dennis Whaley, Radiology, Lexington.

This case was tried for two days. The jury had a question as it deliberated. Is the defendant insured and were the plaintiff’s medicals out-of-pocket. Judge Davis replied that the jury had to rely on the evidence.

It is interesting that while Callahan stipulated liability (he so indicated in a pre-trial document), liability remained in issue. Why? The plaintiff had insisted on such an instruction. The jury answered the defendant was at fault and moved to damages.

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Jefferson County

Underinsured Motorist - A stay-at-home mom complained of radiating neck pain related to cervical instability after a moderate rear-end wreck – she settled with the tortfeasor for \$37,500 of his \$50,000 limits and then sought UIM coverage from her carrier – she barely exceeded the floor of UIM coverage (\$50,000 plus PIP) in taking a \$64,189 which resulted in a net \$4,189 verdict - \$64,189 p. 6

Car Dealership Negligence - The electronics went haywire on the plaintiff's 2015 Mini Cooper automobile (she said it was acting like *Christine* from the Stephen King novel and movie) and she brought it to a dealer for repairs – at the time the windows and sunroof were open (the electronics were broken) and that thereafter the dealership failed to tarp and place the car inside all of which led to a water intrusion during heavy rains in the next week – the dealership denied there was a significant intrusion and blamed the vehicle damage on mold from a pre-existing and longstanding water intrusion - Defense p. 8

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Rowan County

Auto Negligence - The plaintiff complained of soft-tissue neck and back injuries (the defense conceded this mostly) after a moderate rear-end crash, the key issue being whether a cervical disc injury that requires surgery was related – the plaintiff's expert (Gilbert) said it was while the defense IME (Stephens) believed the condition was related to degenerative conditions - \$21,518 p. 1

Pike County

Auto Negligence - A slow-moving utility truck (with its flashers on) was preparing to make a left turn into a driveway to turn around – as it did so the plaintiff passed the truck on the left – the plaintiff glanced off the turning truck and crashed into a guardrail – the plaintiff has since complained of a rotator cuff injury (surgically repaired) as well neck and back pain injuries that will require significant ongoing care – the jury found the defendant solely at fault and awarded damages of \$1.561 million which included \$1.042 for her pain and suffering - \$1,561,742 p. 3

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A Historic Kentucky Verdict

Products Liability - In a case that produced what was the largest verdict in Kentucky history at the time (1980), the plaintiff who was left in a permanent vegetative state because of the failure of her motorcycle helmet to protect her in a crash took an award of \$2.5 million – she died a year later (she never awoke after the crash) at a nursing home and the case settled on appeal

Sutphin v. American Sporting Company

March 22, 1980

Madison County

Judge Jimmy Chenault

Verdict: \$2,500,000 for plaintiff

Rita Sutphin, then 22, was at the beginning of her life on July 10, 1976 and it seemed like it would be charmed. She was a recent EKU graduate and was the “Sweetheart” of the Sigma Chi sorority. She’d come to EKU from Ashland where her father was an Ashland Oil executive.

That day Sutphin was back in town for a fraternity party. She was riding as a passenger on a motorcycle with a friend. Suddenly a vehicle turned in front of the motorcycle. Her driver laid the bike on its side which then slid into the car. While Sutphin was wearing an American Sporting Goods manufactured helmet, it failed to protect her. Sutphin suffered a catastrophic brain injury and was left in a permanent vegetative state.

Sutphin sued American Sporting Goods in this lawsuit and alleged the helmet was inadequate to withstand the crash forces. The case was tried in March of 1980 in Richmond for eight days. As a part of her case, the plaintiff produced a fifteen minute day-in-the-life video. She was still in a coma and lived in a Lexington nursing home. American Sporting Goods denied a defect and blamed



The jury verdict was front page news in 1980 in Lexington

Sutphin’s injuries on the chin strap for having snagged. This was in the pre-*Hilen v. Hays* era when pure comparative fault did not yet exist and thus defendant was not able to argue for an apportionment of fault (as it would be today) to either Sutphin’s driver or the oncoming car. The defense had its own video showing the helmet performing safely in accidents.

The jury’s verdict was for Sutphin and it totaled \$2.5 million. That included her medicals (including in

the future) for \$1.5 million. Her pain and suffering was \$500,000, while her parents took \$500,000 for their consortium interest. The verdict totaled \$2.5 million (\$10.1 million dollars or so in 2026) and American Sporting Goods took an appeal.

Sutphin died in February of 1981 at age 27. She had never woken up. The case settled in December of 1981 and there was no opinion issued in the appeal. It is unknown who tried the case for the parties.

This was the largest personal injury verdict at the time and it would be for fifteen more months. In a federal case in Covington a plaintiff left a quadriplegic by the purported failure of his football helmet took \$7,042 million. We discussed that case, *Wright v. Riddell*, in the May 2026 edition, 30 KTCR 5.

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