Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

July 2026 **Published in Louisville, Kentucky Since 1997** **30 K.T.C.R. 7**

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 - **The plaintiff linked a bowel injury during a colon surgery (and resulting very serious complications) to a combination of errors by her minimally invasive Ob-Gyn and colorectal surgeon in both pre-surgery bowel management and informed consent – the jury found both doctors at fault and awarded substantial damages ($20,000,000 for the plaintiff's suffering and $10,000,000 for her husband's consortium), both of which sums were larger than the plaintiff's last CR 8.01(2) disclosure of $15,000,000 and $5,000,000.**

Skeeters v. U of L Physicians, 23-4748
Plaintiff: D. Tysen Smith, II and Kris D. Mullins, *Smith Mullins*, Louisville
Defense: Victoria E. Boggs, Timothy H. Napier and Sarah L. Clark, *Napier Gault Schupbach & Stevens*, Louisville
Verdict: $30,620,916 for plaintiff assessed 90% to Farmer and 10% to Biscette
Court: **Jefferson**
Judge: Patricia "Tish" Morris
Date: 6-16-26

Patricia Skeeters, age 41 and a middle school attendance clerk from Vine Grove, had a long history of degenerating fibroids. She was referred by her general Ob-GYN (Dr. Shannon Holt) to Dr. Shan Biscette, a Minimally Invasive Ob-Gyn. Skeeters met Biscette on 8-5-22 and a plan was formulated to go forward with a da Vinci total hysterectomy.

The surgery would have two parts and involve two doctors. Biscette would first do the hysterectomy. As Skeeters also had a small endometrial lesion (3 cm or so) on her rectum, a colorectal surgeon (Dr. Russell Farmer) would be brought in for that repair. Both doctors are employees of University of Louisville Physicians (ULP). Both procedures were elective. Biscette had consulted with Farmer about the surgical plan.

In advance of that procedure, Biscette ordered bowel preparation. She prescribed that Skeeters take a GoLYTELY solution for the day before the surgery. Why bowel preparation? It is the standard of care before a bowel resection to reduce the bacterial load and limit the risk of infection. Biscette's resident called Skeeters and left a message to inform her of the prescription. Skeeters didn't get the message until the morning of the surgery on 8-8-22. She didn't do the bowel prep.

When Skeeters arrived at the hospital, she promptly informed her physicians she had not done so. They made a decision to go forward without bowel prep. Farmer explained that Skeeters was in pain and wanted the surgery. He also thought it was unlikely he'd actually even be called in for the resection, and that if he was, it was very small. Thus in his medical judgment going forward was the right call.

The dual surgery went forward. Biscette did her part without incident. Farmer did do the resection. It was apparently uneventful. In fact Farmer had injured her bowel. It was just not known yet. Skeeters was discharged the next day on 8-9-22.

Skeeters returned to the ER at U of L Hospital three days later with abdominal pain. Farmer admitted her. On the third day in the hospital, he observed intra-abdominal fluid and free air. He performed a surgery to repair the initial bowel injury and anastomotic leak. That included placing a colostomy. Skeeters had complications and the colostomy was revised the next January. It was reversed a month later. Complications continued and for a long period of time, Skeeters had an open wound and a vaginal fistula. Her course was extremely difficult and debilitating. She wasn't able to return to work until 2025.

In this lawsuit Skeeters alleged a combination of negligence by Biscette and Farmer (and vicarious liability as to their employer, ULP) in mismanaging her care. That began with the decision to go forward with the surgery after learning the bowel prep had not been done. The surgery then was ill-planned in light of that and could have been rescheduled. The plaintiff was also critical of a lack of informed consent in going forward without fully apprising Skeeters of her options. Biscette was blamed specifically for failing to do a formal pre-surgery consultation with Farmer.

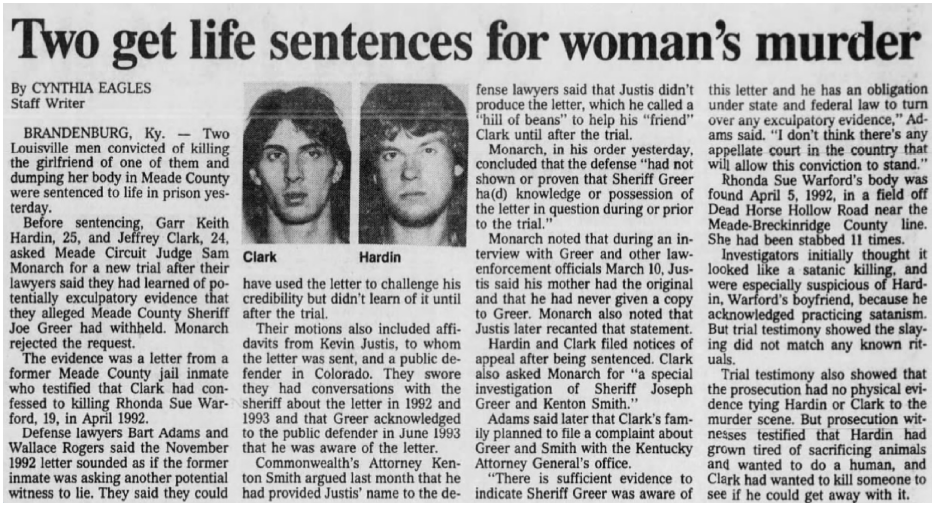
While Skeeters didn't have a criticism of Farmer regarding the actual bowel injury, her claim of negligence went beyond the bowel prep question. He was blamed

Civil Rights - The plaintiff served 22 years in prison for a Meade County murder he didn't commit and after being freed by the efforts of the Innocence Project, he prevailed at a civil rights trial alleging the sheriff and the coroner fabricated evidence as well as presenting a Monell training claim against Meade County – the jury found for the plaintiff and awarded $24.35 million in compensatory damages

Clark v. Meade County, 3:17-419
Plaintiff: Elliot R. Slosar and Julia T. Quinn, Chicago, IL and Amy R. Staples, Shelbyville all of *Loevy & Loevy*
Defense: R. Keith Bond, Andrew T. Garverich and Daniel J. DiGiallonardo, *Lochmiller Bond*, Elizabethtown
Verdict: $24,424,791 for plaintiff
Federal: **Louisville**
Judge: Greg N. Stivers
Date: 4-29-26

Rhonda Warford, then age 19, lived in South Louisville with her parents. On the evening of 4-2-92, she disappeared while walking home from Kroger. Her body was found three days later in a remote area of Meade County known as Dead Horse Hollow. She'd been stabbed to death some 11 times. It was a gruesome murder. The medical examine who confirmed the manner of death was the famed Dr. Death, pathologist, Dr. George Nichols.

As Warford went missing in Louisville and her body was found 50 miles away in Meade County, it was a joint investigation by the Louisville Police and the Meade County Sheriff's office. A Louisville police detective, Mark Handy, took the lead. He had a reputation for being a closer. He got convictions. That was in part because he would threaten, coerce and lie to suspects to secure phony convictions.



Two get life sentences for woman's murder

By CYNTHIA EAGLES
Staff Writer

BRANDENBURG, Ky. — Two Louisville men convicted of killing the girlfriend of one of them and dumping her body in Meade County were sentenced to life in prison yesterday.

Before sentencing, Garr Keith Hardin, 25, and Jeffrey Clark, 24, asked Meade Circuit Judge Sam Monarch for a new trial after their lawyers said they had learned of potentially exculpatory evidence that they alleged Meade County Sheriff Joe Greer had withheld. Monarch rejected the request.

The evidence was a letter from a former Meade County jail inmate who testified that Clark had confessed to killing Rhonda Sue Warford, 19, in April 1992.

Defense lawyers Bart Adams and Wallace Rogers said the November 1992 letter sounded as if the former inmate was asking another potential witness to lie. They said they could

Clark Hardin

have used the letter to challenge his credibility but didn't learn of it until after the trial.

Their motions also included affidavits from Kevin Justis, to whom the letter was sent, and a public defender in Colorado. They swore they had conversations with the sheriff about the letter in 1992 and 1993 and that Greer acknowledged to the public defender in June 1993 that he was aware of the letter.

Commonwealth's Attorney Kenton Smith argued last month that he had provided Justis' name to the defense lawyers said that Justis didn't produce the letter, which he called a "hill of beans" to help his "friend" Clark until after the trial.

Monarch, in his order yesterday, concluded that the defense "had not shown or proven that Sheriff Greer ha(d) knowledge or possession of the letter in question during or prior to the trial."

Monarch noted that during an interview with Greer and other law-enforcement officials March 10, Justis said his mother had the original and that he had never given a copy to Greer. Monarch also noted that Justis later recanted that statement.

Hardin and Clark filed notices of appeal after being sentenced. Clark also asked Monarch for "a special investigation of Sheriff Joseph Greer and Kenton Smith."

Adams said later that Clark's family planned to file a complaint about Greer and Smith with the Kentucky Attorney General's office.

"There is sufficient evidence to indicate Sheriff Greer was aware of this letter and he has an obligation under state and federal law to turn over any exculpatory evidence," Adams said. "I don't think there's any appellate court in the country that will allow this conviction to stand."

Rhonda Sue Warford's body was found April 5, 1992, in a field off Dead Horse Hollow Road near the Meade-Breckinridge County line. She had been stabbed 11 times.

Investigators initially thought it looked like a satanic killing, and were especially suspicious of Hardin, Warford's boyfriend, because he acknowledged practicing satanism. But trial testimony showed the slaying did not match any known rituals.

Trial testimony also showed that the prosecution had no physical evidence tying Hardin or Clark to the murder scene. But prosecution witnesses testified that Hardin had grown tired of sacrificing animals and wanted to do a human, and Clark had wanted to kill someone to see if he could get away with it.

A 1995 report on the conviction

The two suspects in this case were Jeffrey Clark and his friend, Keith Hardin. They were both 21 at the time. Hardin had previously dated Warford. At the time of her murder, both men had airtight alibis that placed them in Louisville.

Handy went about securing a conviction. There was proof he urged Clark to confess while holding a gun on him. Clark wouldn't confess. There was later evidence the Meade County Sheriff (Joe Greer) and a deputy (Clifford Wise) relied on evidence from a jailhouse snitch that implicated Clark and Hardin. The theory was that they were Satanists and the bloody murder of Warford was a ritual killing. This was also ridiculous.

There was also proof the Meade County Coroner, Bill Adams, "whited out" the death certificate to make it appear Warford died on 4-2-92 (this undercut Clark's alibi) when in fact that was not true. The government's case also relied on a hair found on Warford's pants, although blood testing did not match Clark or Hardin. Some evidence had also been overlooked. A violent felon, James Whitely, had confessed to Warford's murder. The government did not investigate that.

The criminal case against Clark and Hardin came to trial in May of 1995. Both men were convicted and sentenced to life in prison. Both men continued to protest their innocence and appealed the case. The convictions were affirmed. As the years rolled by both men continued to challenge their convictions. The Innocence Project became involved and DNA evidence indicated the hair had not come from either Clark or Hardin. The two men were released from prison in 2015 and the charges were dropped. They'd served 22 years for a murder they didn't commit.

Thereafter Clark and Hardin sued Meade County and LMPD and alleged a variety of counts related to their wrongful conviction. That included suppressing evidence, fabricating evidence, failing to intervene to withholding exculpatory evidence and conspiracy. There were also deliberate indifference "training and supervision *Monell* claims.

The Louisville police settled with the plaintiffs. It paid each man $10.25 million. This may have been influenced as Detective Handy had since pled guilty to fabricating evidence in another case.

Meade County tried to settled. It offered the plaintiffs $3.5 million.

Softball Negligence - The first baseman was run over by a baserunner in a coed softball game and she suffered a broken wrist - a Louisville jury in 1990 (36 years ago) awarded the plaintiff $3,322 in damages

Shipley v. Church
Plaintiff: Stephen Pence, Louisville
Defense: James Dilbeck
Verdict: $3,322 for plaintiff
Judge: Ellen Ewing
Court: **Jefferson**
Date: January 9, 1990

Jo Shipley, then age 32, was playing in a co-ed soft-ball game at first base. A runner (Douglas Church) collided with her. Shipley suffered a broken wrist.

Shipley sued Church and alleged negligence by him in running her over. He described the collision as unavoidable.

The jury found Church solely at fault on a negligence theory. Shipley took $2,500 for her pain and suffering (they were capped at $50,000 in the instructions) and $832 more in special damages. The verdict totaled $3,322 and it was satisfied.

Bottling Negligence - The plaintiff became ill after finding a bug in her bottle of Coca-Cola – a Lexington jury awarded her $225 in damages in 1945

Curtis v. Coca-Cola Bottling Works
Verdict: $225 for plaintiff
County: **Fayette**
Date: May 17, 1945

The plaintiff Mary Curtis alleged she was made ill by finding a bug in her bottle of Coca-Cola. She sued the local bottler and sought damages. The case was tried in May of 1945 in Lexington. She prevailed and took damages of $225. She had asked the jury for $2,000 in damages.

Dancing Negligence - Plaintiff injured at a dance held at the Brown Hotel when a fellow guest "jitterbugged" by her causing her to fall and sustain a broken elbow – a defense verdict was returned and the dancing plaintiff appealed, the Court of Appeals finding the plaintiff had assumed the risk of injury

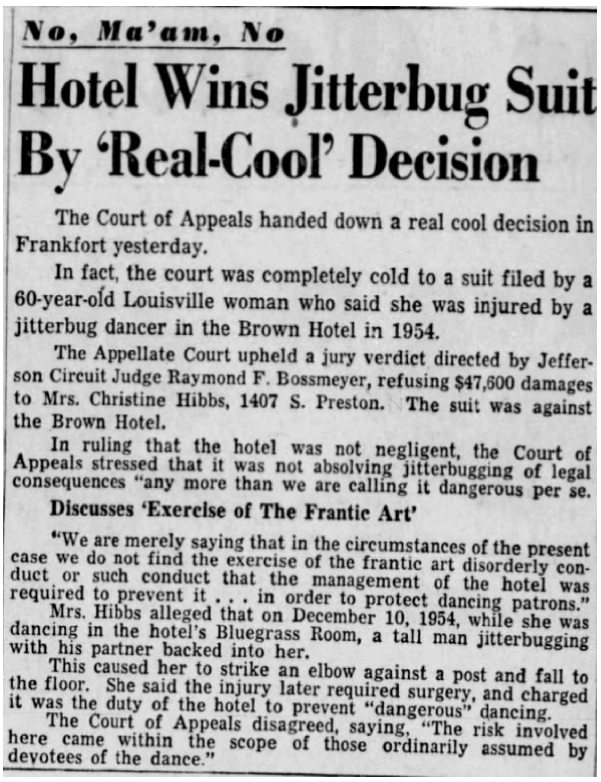
Hibbs v. Brown Hotel
Plaintiff: Matthew B. Quinn, Louisville
Defense: Fielden Woodward, *Woodward Hobson & Fulton*, Louisville
Verdict: Directed verdict
Judge: Raymond Bossmeyer
Court: **Jefferson**
Date: November 16, 1955

The plaintiff, Christine Hibbs, age 60, had attended a dance at the Brown Hotel in December of 1954. As Hibbs danced in what she described as a safe manner in the hotel's elegant Bluegrass Room, a tall man jitterbugged by her in an aggressive manner. He kicked Hibbs in the ankle.

Hibbs retreated from the dance floor until the man was done. She took the floor again but he again returned. He jitterbugged by again and knocked her down. She suffered a broken elbow. The jitterbugger left the dance floor and was never identified.

Hibbs sued Brown Hotel and alleged negligence in failing to control the boisterous jitterbugging on its dance floor. She sought damages of $47,600. Judge Bossmeyer granted a directed verdict finding Hibbs has assumed the risk of injury by entering the dance floor a second time. Hibbs appealed and the verdict was affirmed in May of 1957.

The appellate court held that the risk involved in this case is ordinarily assumed by "devotees of dance" such that there was any duty for the hotel to protect Hibbs. The court did caution that while it didn't absolve "all jitterbuggering of any legal consequence," it was not dangerous per se either. A Courier-Journal headline trumpeted the opinion, "*Hotel wins Jitterbug Suit by Real Cool Decision.*"



No, Ma'am, No

Hotel Wins Jitterbug Suit By 'Real-Cool' Decision

The Court of Appeals handed down a real cool decision in Frankfort yesterday.

In fact, the court was completely cold to a suit filed by a 60-year-old Louisville woman who said she was injured by a jitterbug dancer in the Brown Hotel in 1954.

The Appellate Court upheld a jury verdict directed by Jefferson Circuit Judge Raymond F. Bossmeyer, refusing $47,600 damages to Mrs. Christine Hibbs, 1407 S. Preston. The suit was against the Brown Hotel.

In ruling that the hotel was not negligent, the Court of Appeals stressed that it was not absolving jitterbugging of legal consequences "any more than we are calling it dangerous per se.

Discusses 'Exercise of The Frantic Art'

"We are merely saying that in the circumstances of the present case we do not find the exercise of the frantic art disorderly conduct or such conduct that the management of the hotel was required to prevent it . . . in order to protect dancing patrons."

Mrs. Hibbs alleged that on December 10, 1954, while she was dancing in the hotel's Bluegrass Room, a tall man jitterbugging with his partner backed into her.

This caused her to strike an elbow against a post and fall to the floor. She said the injury later required surgery, and charged it was the duty of the hotel to prevent "dangerous" dancing.

The Court of Appeals disagreed, saying, "The risk involved here came within the scope of those ordinarily assumed by devotees of the dance."

A cheeky 1957 report on the appellate decision

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