

# Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

July 2024

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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.

**Tow Truck Negligence - A young woman was left a permanent C4-6 quadriplegic after being rear-ended by a tow truck driver – in this lawsuit she blamed not just the tow truck driver but also the insurer GEICO as she argued the driver was on a “roadside assistance” run for the insurer – there were complex liability theories which resulted in a two-phase trial and ultimately the jury returned a verdict for the plaintiff that included \$141,000,000 for her pain and suffering**

*Warner v. Midnight Recovery et al*, 18-3622

Plaintiff: Tyler S. Thompson and Liz J. Shepherd, *Dolt Thompson Shepherd & Conway*, Louisville and Matthew White and Mark Gray, *Gray & White*, Louisville

Defense: Charles H. Stopher and Scott A. Davidson, *Boehl Stopher & Graves*, Louisville for GEICO

Insurance at Phase One

\*\*By Phase Two Charles H. Stopher moved firms to *Stites & Harbison* and was joined by Bethany A. Breetz and Michael D. Risley also of *Stites & Harbison* for GEICO Insurance Tracey C. Smith, *Gwin Steinmetz & Baird*, Louisville for Midnight Recovery (Tow Truck Company) Donald Killian Brown and Jeri Barlcay Poppe, *Don K. Brown Law*, Louisville for Worley (Tow Truck Driver)



*The scene of the collision*

Verdict: \$163,973,760 for plaintiffs in Phase One and finding Tow Truck Driver on a GEICO assistance run In Phase Two a second jury determined Tow Truck Company an independent contractor and not an agent of GEICO  
Court: **Jefferson**  
Judge: Tracy E. Davis  
Date: 3-18-24 (Phase One)  
5-23-24 (Phase Two)

Jilianne Warner, then age 27, was just on the cusp of beginning her life on the morning of 12-29-17. She had a masters degree from Sullivan University and worked as an HR manager. She was sitting at a red light on the Greenbelt Highway. Warner was driving a 2013 Scion sedan.

At the same time Christian Worley was driving a flatbed tow truck for his employer, Midnight Recovery. There was disputed proof as to what task Worley was performing. It is undisputed though that Midnight Recovery had a contract with GEICO

Insurance to provide roadside assistance to GEICO insureds. This is a service the insurer provides to its auto policy holders and to accomplish that, it contracts with local tow truck companies like Midnight Recovery.

Worley had made several tow truck runs this day and was tired. A moment later a distracted Worley rear-ended the stopped Warner high speed. It destroyed her vehicle. Warner suffered a catastrophic C4-6 disc injury that has left her permanently as a complete quadriplegic from the chest down. Warner spent three weeks in the ICU and thereafter she recovered at Frazier Rehab. That process was lengthy, difficult and complex. She suffered from bowel and bladder complications. Warner also broke her leg when she fell from a wheelchair. The evidence was that some six years after the accident and despite her

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*Statutory Violation (Parking Fees)* - A certified class of parking scofflaws (some 80,000 tickets) sued PARC (a quasi-government agency which operated parking meters and collection for Metro Louisville) and alleged it violated state law in failing to send a certified letter advising those with parking tickets of their rights to appeal – the class were persons who paid their tickets from 2003 to 2007 (it represented an estimated \$2.65 million in payments) who didn’t receive the required notice - \$1,700,000 p. 8

*Auto Negligence* - The plaintiff complained of injuries after a minor rear-ender – at trial he took a portion of his medicals and \$2,000 for pain and suffering - \$22,674 p. 9

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*Hotel Negligence* - The plaintiff was scalded with hot water (150 degrees or more) when he went to take a shower at a motel – the blast of water knocked him down in his tub and he was only rescued when he screamed for help to his nearby companions – the plaintiff suffered severe burn injuries and died seven months later – in this lawsuit he alleged negligence by the motel in failing to maintain the water heater as after it was installed two years earlier, there was no maintenance or service done it - \$2,037,544 p. 5

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*Products Liability* - A longtime coal miner suffering from complicated black lung disease (and being considered for a lung transplant) blamed that condition on purportedly defective 3M dust masks – the plaintiffs survived a statute of limitations challenge, but the jury rejected strict liability and failure to warn claims - Defense verdict p. 6

**Campbell County**

*Auto Negligence* - In a disputed red light case where the plaintiff claimed a traumatic brain injury, the case was resolved on liability for the defendant - Defense verdict p. 7

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**A Notable Indiana Verdict**

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