

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.

First Amendment Retaliation -

Two municipal firefighters were fired weeks after they joined a national firefighters union – in this lawsuit they alleged the firing represented retaliation, a city board member indicating he was “not a fan of unions” – the jury found for both plaintiffs and awarded each \$500,000 in compensatory damages for their emotional distress

Bottom et al v. City of Harrodsburg,
5:23-154

Plaintiff: Mark J. Murphy and Tamara Y. Imam, *Mooney Green Saindon*

Murphy & Welch, Washington, D.C.

Defense: Charles D. Cole, *Sturgill Turner Barker & Moloney*, Lexington

Verdict: \$500,000 for Bottom
\$500,000 for Steele

Federal: Lexington

Judge: Robert E. Wier

Date: 7-18-25

Captain Derrick Steele and Lieutenant Jamie Bottom were long-time firefighters for the City of Harrodsburg. Steele served with distinction for fifteen years. Bottom was on the force for three years. By December of 2022, the two were contemplating joining a firefighter’s union. They had discussions with the International Association of Fire Fighters (IAFF). Their motivation was to improve staffing, training, budget and professionalism.

Steele and Bottom (the plaintiffs)

had initial good faith discussions with city officials to let them know of their plans so they would not be blindsided. They were met with hostility. One city council member expressed a view that he wasn’t a “fan of unions.”

The plaintiffs pressed on with their union efforts. There was proof they continued to face animosity. Plaintiffs joined the union on 3-1-22. Steele was the President of the Local 5418 and Bottom was elected Secretary.

Just two weeks later on 3-13-22, the plaintiffs were both fired. It was alleged they had engaged in misconduct including conducting an affair at the fire station and getting rid of CPR dummies among other offenses. There was no notice, due process or a hearing. The plaintiffs contacted counsel who pointed this out. The city promptly reinstated them two weeks later.

A city council meeting was conducted a week later. The termination of the plaintiffs was on the agenda. They both appeared to defend themselves. Each denied any impropriety in impassioned statements. They called the allegations against them unfounded firehouse rumors. Following their remarks the city council went in to executive session for ten minutes. Bottom and Steele were terminated again.

Steele and Bottom as plaintiffs sued the City of Harrodsburg and alleged the firing represented, (1) First Amendment retaliation (a constitutional claim), and (2) state-law wrongful discharge. The proof burden was slightly different on each count, but the case essentially came down to the same basic facts. That is, the city

fired them in retaliation for their union activities. This was evidenced by the hostility of city officials (including the Mayor) to their efforts to organize a union. Moreover the hearing before the termination was a sham and a pretext. The only claimed damages were the plaintiff’s emotional distress. The plaintiffs had also presented a defamation count, but this was dismissed short of trial.

The City of Harrodsburg denied fault or that there was any retaliation. Why were the plaintiffs fired? The city pointed to inappropriate workplace conduct by the plaintiffs including the firehouse affair involving Bottom as well as demeaning, threatening and harassing junior firefighters. Quite simply the union activity had nothing to do with it. The plaintiffs countered that it was all about breaking the union, and it was a success too – the plaintiffs were terminated and the Local 1548 has still not been organized.

As the jury deliberated the case it had a question for the court: Was there a previous settlement offer before trial? It is not clear how or if Judge Wier replied.

The case was tried over four days and the jury deliberated three hours on the fourth day. It returned the next day (now the fifth day of trial) and deliberated three more hours.

The liability instructions on the two counts were similar but slightly nuanced. On the First Amendment claim, the court asked if the plaintiffs engaged in protected speech related to their union activity and that activity was a “substantial or

Civil Rights - An intoxicated jaywalker in Covington was suddenly roughed up and slammed against a police car when a Covington cop told him he was under arrest and the man replied, "No, I'm not." The cop replied that he acted reasonably when the plaintiff resisted arrest
***Kallmeyer v. Covington Police*, 2:24-51**
Plaintiff: Paul J. Hill, Union and David M. Blank, Covington
Defense: Jeffrey C. Mando and Casimir M. Thornberry, *Adams Law*, Covington
Verdict: Defense verdict on liability
Court: Covington
Judge: Danny C. Reeves
Date: 7-23-25

Alexander Kallmeyer was a pedestrian a little after midnight in Covington. He was walking on 11th Street near Madison Avenue. Samuel Mathews, a Covington police officer in his police cruiser, observed Kallmeyer jaywalking. Mathews circled his vehicle around to investigate.

Mathews confronted Kallmeyer. He asked Kallmeyer where he was going and if he was drinking. As Kallmeyer recalled it, Mathews told him he was under arrest. A moment later Mathews slammed Kallmeyer against a police cruiser hard enough to dent it. Kallmeyer was knocked unconscious and fell to the ground. He was subsequently roused, handcuffed and charged with public intoxication. Kallmeyer later pled guilty.

From this basic set of facts, Kallmeyer sued Mathews and alleged excessive force. His case was simple enough. Mathews approached him and after a brief interaction, Mathews threw him against the police car. If Kallmeyer prevailed at trial, he sought both compensatory and punitive damages.

Mathews replied that when

EDKy-232

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF KENTUCKY
 CIVIL MINUTES-TRIAL-DAY 1

COVINGTON Case No. 2: 24-CV-051-DCR at: COVINGTON Date: July 22, 2025

Alexander Kallmeyer v. Samuel Mathews

DOCKET ENTRY: The jury trial commenced following a brief meeting with counsel and the parties. The Court outlined jury selection and trial procedures. Voir dire was completed. During voir dire, plaintiff's attorney, Paul Hill, was held in summary contempt of Court for actions taken during a bench conference in the presence of a juror. The Court took the penalty to be imposed under advisement. The parties did not object to any of the strikes exercised. Preliminary jury instructions were given to the jury followed by opening statements of counsel. The plaintiff's counsel commenced the presentation of Kallmeyer's case-in-chief. Plaintiff's renewed Motion in Limine regarding joint exhibit 8 is **OVERRULED** for the reasons stated on the record. Following close of the plaintiff's case the defendant's motion for judgment filed pursuant to Rule 50 of the Federal Rules of Civil Procedure was **OVERRULED** regarding the substantive claim and the defense of qualified immunity; however, the issue regarding punitive damages was **TAKEN UNDER ADVISEMENT**. An instructions conference was held pursuant to Rule 51 of the Federal Rules of Civil Procedure. Defendant's objection to Jury Instruction related to punitive damage is **OVERRULED**. Defendant's renewed motion for judgment pursuant to Rule 50 is noted for the record, with the same ruling previously noted.

PRESENT: HON. DANNY C. REEVES, U.S. DISTRICT JUDGE

Taylor Boesch
 Deputy Clerk

Lauren Gootee
 Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANT:

An excerpt from the court minutes describing the contempt finding

approaching Kallmeyer, he sought to de-escalate the situation only to have Kallmeyer ignore verbal instructions. That included swatting away Mathews hand, and then stating in response to being told he was under arrest, "No, I'm not." This all led to a brief struggle in which Kallmeyer fell. Thereafter Mathews did a brief "chest rub" to assess Kallmeyer's condition before pulling him to his feet and placing him under arrest. Mathews postured at all times he acted reasonably in the interaction.

Kallmeyer disputed this version and noted that Mathews' body camera captured only parts of these events. Notably the audio (which Mathews controlled manually) was turned on and off for portions of the encounter.

There was an interesting sidebar at the bench during voir dire that was referenced by Judge Reeves in the trial minutes. The court held Attorney Hill in "summary contempt" for his actions in front of a jury. The record does not fully describe the contemptuous conduct, but apparently Hill had referenced settlement negotiations in front of the juror. At the conclusion of

the trial, Judge Reeves indicated Hill could purge the contempt by filing a notice in all his active cases explaining the contempt finding and the basis for it. While Hill was instructed to explain the contempt finding, Judge Reeves did not in the written record.

The bench conference aside, the case was tried for two days. The jury interrogatory was oddly framed. It asked: Regarding the plaintiff's claim for excessive force, we find for . . . and the jury could check either Kallmeyer or Mathews. It selected Mathews and the jury did not reach damages. A defense judgment was entered.

Case Documents:

[Plaintiff Trial Brief](#)

[Defense Trial Brief](#)

[Court Minutes](#)

[Jury Verdict](#)

A Historic Kentucky Verdict

Kentucky's First Super Trial *Tierney's Triumph in 1892 against Standard Oil*

Tierney v. Standard Oil

Tried three times from 1889 to 1892
and settled after third trial
Jefferson County

This story begins in April of 1888. Kentucky's Governor was the regally named Simon Bolivar Buckner. Like many political leaders of the time (and many leading members of the Bar), Buckner was a Civil War Veteran. More accurately, Buckner was a Confederate veteran, who was most famous for being the first Southern general to surrender. He surrendered his troops in 1862 at Fort Donelson.

By 1888 Buckner was in the midst of a mixed administration. While he was known for being the "Veto Governor" who had a penchant for vetoing special interest legislation, Buckner wasn't immune from scandal. The state treasurer, the better-named James "Honest Dick" Tate absconded with \$250,000 from the state treasury. Honest Dick was anything but honest. A few years later a sheriff in Alabama believed he had captured Honest Dick. It wasn't him. Honest Dick was never seen again.

While that might have been the most memorable part of the Buckner administration, it probably meant little to the protagonist of this story: Michael Tierney. Tierney was born in County Tipperary, Ireland in 1850 and immigrated to the United States before settling in Louisville. Tierney had already worked 25 years for the L&N Railroad by the time of this accident. He started with the company when he was just twelve. Tierney (age 38) was a conductor on an L&N train that traveled from Louisville on the 4th day of April in 1888.

The train was loaded with 65

barrels of naphtha oil that were being shipped for the Standard Oil Company on cattle cars. Standard Oil was then the largest and most powerful company in the world. It held a virtual monopoly on the world's oil.

Some 25 miles south of Louisville near Muldraugh Hill, it was detected that the barrels were leaking. Tierney began to investigate. It was after dark and he used an oil lamp for illumination. For reasons that aren't exactly clear, whether it was liquid from the lamp or other vapors, the naphtha oil ignited and shot out in a stream.

Tierney was badly burned on his face, arms and hands by the ignited naphtha. For the rest of his life his face would be disfigured. His right hand was scarred by burns and he lost the use of his left arm. For a working man like Tierney, the injuries were devastating.

Nearly a year after the incident Tierney filed a lawsuit against Standard Oil. He claimed \$25,000 in damages. This was an exceptional and noteworthy case for two reasons. First Tierney was very badly injured. And as importantly, Standard Oil was Standard Oil. It would be front page news in Louisville.

Tierney's legal theory was simple. Standard Oil had negligently mislabeled the naphtha oil barrels. Their labels indicated it was much less combustible "carbon oil", the true nature of the hazard being hidden. Standard Oil defended that the barrels were properly marked as "unsafe for illuminating purposes." Tierney countered that naphtha oil was extremely flammable, it being ten times more explosive than gunpowder.

It would take three trials and a trip to the Court of Appeals to resolve this matter. The case first came to trial in the May of 1889. The key jury instruction asked: Was the brand on the barrels sufficient notice to the plaintiff

of the dangerous substance within? The jury could not reach a verdict and being "hung", a mistrial was declared. It had been stuck 11 to 1 to award Tierney \$20,000.

A second jury heard the case that November and rendered a verdict on 11-20-89. The jury deliberated just three minutes (THREE) before returning its verdict. This time there was no dissenting voice. The jury awarded Tierney \$25,000 . . . the full amount he had sought. The next day the *Courier-Journal* described that Tierney was now a "comparatively rich man." The \$25,000 in 1889 would be more than \$3,000,000 today.

The jury having been discharged and paid by the trustee, Tierney, who the *Courier-Journal* called "a magnificent-looking specimen of man-hood, despite the scars and bruises", thanked each of the jurors individually. Tierney's daughter, just three years old, was also described as sobbing as she appreciated the emotion wash over father. The scene was described as "most affecting."

The trial had lasted a week and in light of the unexpectedly large verdict, an appeal was considered not only likely – it was stated that "of course" there will be an appeal. The consensus of the local bar (for the unnamed reporter) was that the result would be affirmed. The jury was composed of anonymous Louisvillians, now forgotten to time, (all men), Wood, Pool, Burghard, Backus, Johnson, Sherley, Boyse, Brentlinger, Fiore, Avery, Bettitoe and Watson.

A few weeks later the presiding Judge Toney overruled Standard Oil's motion for a new trial. Interestingly a co-worker of Tierney's who was also burned in the incident, a brakeman by the name of Clark, also pursued a claim against Standard Oil. A first

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