

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.

Underinsured Motorist - The plaintiff settled with the tortfeasors for their \$125,000 policy and sought another \$100,000 in UIM coverage at trial in Whitesburg – the verdict fell just short at \$117,189 which included \$75,000 in pain and suffering – the case had some unusual litigation wrinkles, a settlement and forbearance agreement with the tortfeasors which required their lawyer to turn over her litigation file, all of which led to that lawyer seeking an emergency ethics opinion and then withdrawing

Amburgey v. Farm Bureau, 22-284

Plaintiff: Adam P. Collins and Patrick Conley, *Collins Collins & Conley*, Hindman

Defense: William J. Baird, IV, *Baird & Baird*, Pikeville for Farm Bureau (UIM)

William H. Wilhoit, *Wilhoit Law Office*, Grayson for tortfeasors (Duty to defend)

Verdict: \$117,189 for plaintiff

Court: **Letcher**

Judge: James W. Craft, II

Date: 8-18-26

This case began with a vehicle collision on 6-24-21 that occurred on Ky. 15 near Whitesburg. The plaintiff, Gregory Amburgey, age 63, from Mallie, KY (that's between Spider and Pine Top in Letcher County) was struck by Ricky Spangler who was

driving a vehicle for his employer, Boyd Contracting. It was a hard sideswipe collision and while the damages to Amburgey's truck were \$10,000, he was able to drive away. A few important things were stipulated. Spangler was solely at fault and he was in the scope of his employment at the time of the wreck.

Amburgey has since treated for low-back pain including with a chiropractor, Dr. Joshua Bakun. An expert, Dr. John Gilbert, Neurosurgery, Lexington, identified an L4-5 and L5-S1 disc injury that is causing chronic radiating pain. He also diagnosed a concussion. Gilbert believed Amburgey was a candidate for a surgical repair.

Amburgey first filed a lawsuit against Spangler. He later filed an amended complaint to add Boyd

Contracting. Yet another amended complaint presented a UIM claim against Farm Bureau. The final amended complaint (No. 4) alleged bad faith by Farm Bureau.

The defendants (Spangler, Boyd Contracting and Farm Bureau) diminished the claimed injuries with an expert, Dr. Dennis Whaley, Radiology, Lexington. Whaley reviewed films and concluded there was no evidence of a traumatic injury. He believed that Amburgey's complaints were related to chronic degenerative conditions. The defense also relied on Dr. Christopher Stephens, Orthopedics, Lexington who thought Amburgey suffered just a temporary strain injury.

The policies (interestingly all of them) were issued by Farm Bureau.



An image of the plaintiff's truck in Amburgey v. Farm Bureau

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Letcher County

Underinsured Motorist - The plaintiff settled with the tortfeasors for their \$125,000 policy and sought another \$100,000 in UIM coverage at trial in Whitesburg – the verdict fell just short at \$117,189 which included \$75,000 in pain and suffering – the case had some unusual litigation wrinkles, a settlement and forbearance agreement with the tortfeasors which required their lawyer to turn over her litigation file, all of which led to that lawyer seeking an emergency ethics opinion and then withdrawing - \$117,189 p. 1

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Employment Retaliation - The property manager for the toney downtown Lexington Park Plaza Apartments suffered an on-the-job injury and despite a glowing performance review a day before her injury, she was terminated promptly upon returning to work a month later after her employer discovered deficiencies in her performance – the property manager sued and alleged KRS 342.197 worker's compensation retaliation and took lost wages of \$22,134 and the odd number of \$53,000 more for mental anguish - \$75,134 p. 5

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Truck Negligence - The plaintiff suffered broken ribs and the aggravation of degenerative conditions after a multi-vehicle crash (there were three separate impacts) after being struck in stopped traffic on I-71 – he settled with two tortfeasors and his UIM carrier (USAA) and went to trial against the trucker (involved in the third impact) – the jury split fault, which assessed 60% to the motorist who started it all and 40% to the defendant trucker who came upon the scene and contributed – the plaintiff's raw damages were \$327,748 which included \$250,000 for pain and suffering - \$327,748 p. 7

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School Negligence - A little girl was killed in an accident while being transported in a converted utility van that was jerry-rigged with unsafe seating - \$257,551 p. 16

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A Historic Kentucky Verdict

School Negligence - A girl on a jerry-rigged school van (the students sat on plywood seats covered with carpet) suffered fatal injuries when the van was involved in a collision on a rain-slicked highway – her estate went to trial against the school and took \$257,551 in damages four years later – the litigation from this event was complex, lasted 10 years and included trips to the Kentucky Supreme Court and Court of Appeals as well as the Sixth Circuit

Blevins v. Wayne County Board of Education

Plaintiff: Richard Hay, Somerset

Defense: F.C. "Tyke" Bryan, Mt. Sterling, Boyd Taylor, London and James Hicks, Albany

Verdict: \$257,551 for plaintiffs

Court: **Wayne**

Judge: Philip Morgan

Date: July 30, 1986

There was a tragic school transportation accident in Monticello on the afternoon of 9-1-82. A school van operated by the Wayne County School Board was taking students home. This was a jerry-rigged 1971 Chevrolet van that had been converted. The students sat on u-shaped plywood seats that were covered with carpet. There were no seat belts or safety apparatus at all. It was absurdly dangerous and almost quaint in light of the fatal Carrollton bus crash that would occur six years later.

The bus was driven by Clay Hicks. Donna Sheppard approached from the opposite direction on Ky 167 just south of town. A hard rain was falling. Sheppard lost control, crossed the centerline and struck the van. Eva Jewell Blevins, age 11 and the daughter of Fred and Letha Blevins from Shearer Valley, suffered



Eva Jewell Blevins, 1970-1982

grave injuries. She died on the way to the hospital. Her brother also suffered minor injuries. Thirteen other students were also injured.

A flurry of litigation followed. The Blevinses first made a claim against the Kentucky Department of Education before the Board of Claims. The Board of Claims dismissed the claim on the ground that it could only be made by the personal representative of the deceased. The parents argued they had an individual claim. A Wayne County Circuit judge affirmed that decision. The Blevinses appealed and the Court of Appeals reversed. The Department of Education took a further appeal

The Kentucky Supreme Court accepted the case and affirmed in April of 1986. It held that the surviving parents had a separate remedy to pursue a claim apart from the personal representative's right to pursue a wrongful death claim. The 4-3 opinion was authored by Justice Leibson. *See Board of Education v.*

Blevins, 707 S.W.2d 782 (1986). It is not clear how the Board of Claims case was subsequently resolved.

The Blevinses had also filed a lawsuit in state court against the Wayne County School Board. It alleged negligence by the school board in using the dangerous vans. That case was tried in July of 1986 in Monticello before Judge Philip Morgan. The attorney for the estate (Richard Hay) made a compelling argument. He argued there was nothing the bus driver could have done. Hay also stated that for Sheppard on the wet roads, it had just been an accident. By contrast the school board had years and years to think about

its decision to use the vans.

The case was tried for eight days and the jury deliberated for three hours. The jury was mixed on liability. Fault was assessed fault 70% to the school board and the remaining 30% to Sheppard. There was no fault assigned to the bus driver.

The estate of Eva took \$102,551. Her parents were each awarded \$75,000. Eva's brother took \$5,000 more. The verdict totaled \$257,551. That would be \$785,000 in 2026 dollars.

A variety of appeals and cross-appeals followed. The Kentucky Court of Appeals issued its opinion on the last day of September in 1988. Judge John Miller reversed and held that Judge Morgan should have recused himself and also changed the venue because of his close relationships with school board members.

Before the opinion was issued, the estate settled with one of the Wayne County School Board insurers, State

About the Kentucky Trial Court Review

We have continually published civil jury verdict reporters around the country since June of 1997. We are unaffiliated with any organization, public or private or otherwise. Our singular mission to report civil jury trial results without favor, fairly presenting the positions of the parties, interesting trial practice and verdict results.

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