

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

September 2025

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29 K.T.C.R. 9

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 - A young woman (age 20 and a receptionist and student at a community college) suffered a fatal pulmonary embolus two weeks after knee surgery – her estate alleged her orthopedist failed to take prophylactic measures to prevent the PE event – the orthopedist replied that the PE was acute and that even if he had begun prophylactic measures, they would have worn off by the time the PE formed – a Lexington jury returned a defense verdict by a 9-3 count

Havens v. Grau, 22-1820

Plaintiff: Cory M. Erdmann and Brooks Stumbo, *Erdmann & Stumbo*, Richmond

Defense: Clayton L. Robinson and Ellen L. Black, *Robinson & Weber*, Lexington

Verdict: Defense verdict on liability

Court: **Fayette**

Judge: Thomas L. Travis

Date: 8-22-25

Barbara Havens, age 20, was a receptionist and student at Maysville Community College in June of 2021. She had sustained an on-the-job knee injury in October of 2020 when a container fell and struck her. She began to treat with Kentucky Orthopedics. Initially Havens had a course of physical therapy.

Dr. Gregory Grau, Orthopedics, examined Havens on her first visit at Kentucky Orthopedics in April of 2021. He recommended a right knee arthroplasty. The surgery was delayed for a time as insurance denied it.

SENT

INSTRUCTION NO. 1

08/25/2025 1

It was the duty of Gregory Grau, M.D., acting as an agent or employee of Kentucky Orthopaedics & Spine LLC, and in caring for and treating his patient Barbara Havens, to exercise that degree of care and skill expected of a reasonably competent physician specializing in orthopedic surgery and acting under the same or similar circumstances.

QUESTION NO. 1

Do you believe from the evidence that Gregory Grau, M.D. failed to observe his duty and that such failure was a substantial factor in causing injury to Barbara Havens? Please check one space below.

YES _____ NO X

FOREPERSON
(If unanimous)

OR

MEMBERS OF THE JURY
(If not unanimous)

_____ # _____

(1) [Signature] # 4109

(2) [Signature] # 4828

(3) [Signature] # 4154

(4) [Signature] # 4004

(5) [Signature] # 4757

(6) [Signature] # 4144

(7) [Signature] # 4086

(8) [Signature] # 4122

(9) [Signature] # 4814

(10) _____ # _____

The jury verdict on liability in Havens v. Grau

The surgery was finally performed on 6-25-21 on an out-patient basis at Baptist Health Surgery Center. It lasted 20 minutes and was uneventful. Havens tolerated it well and left the medical office on crutches. She mostly resumed her normal life in the next two weeks. She was taking classes and working at the community college.

Havens fell ill at work on 7-8-21. She had weakness, nausea and vomiting. An ambulance was called. She was

alert when it arrived, but Havens fell unconscious on the gurney. She was taken to the St. Joseph ER in Maysville. CPR was attempted for 36 minutes. Havens could not be resuscitated.

What had caused her death? The state medical examiner, Dr. Darius Arabadgief, concluded she'd died of a pulmonary embolus that migrated from her lower extremities. Was the DVT related to the surgery two

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verdict was for Dr. Banuru. The court entered a defense judgment.

Case Documents:

[Complaint](#)

[Plaintiff Expert Disclosure \(Rinder\)](#)

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Historic Kentucky Verdicts

Products Liability - A lawyer plaintiff suffered a severe hand injury when his shotgun suddenly exploded – at a jury trial 37 years ago, the plaintiff took \$6.417 million which included punitive damages of \$6,000,000

King v. Remington Arms

Jefferson County

Verdict: \$6,417,926 for plaintiff

Judge: Edwin Schroering

Date: December 19, 1988

There was a lawyer plaintiff who suffered a severe injury on 10-3-82 and it changed not just the course of his life, but that of many children. Nick King was a successful lawyer in 1982 and he was skeet shooting at the Jefferson Gun Club. He was firing a Remington 12-gauge shotgun. A gift from a doctor friend (hand surgeon, Dr. Morton Kasdan), the weapon had been fired thousands of times.

On this day the gun exploded as King fired. He lost a thumb and two fingers on his left hand. King also suffered broken bones in his hand, wrist and forearm. Since the explosion, King underwent surgery some fourteen times. King filed this lawsuit against Remington and alleged the shotgun was defective. It was his theory that Remington used substandard steel in the weapon and that over time, cracks developed in the barrel. The cracks ultimately led to the explosion.

The case came to trial in December of 1988 before Judge Edwin Schroering. Besides the evidence of the defect, King also introduced proof that Remington knew of some 86 other explosions and yet it failed to warn the public. A former Remington employee testified there may have been as many as 200 incidents. Remington thought the accident occurred because King loaded the gun with too much gunpowder.

The jury was inflamed by the proof of the prior explosion events. It

awarded King \$6,417,926 in damages. The largest part of the award was punitive damages. The jury assessed punitives of \$6,000,000. King said at the time, "I was and am upset that Remington knew of the actual problems with the gun and they knew many people had been injured . . . They gave the public no warning of any kind." The Court of Appeals affirmed the verdict two years later (that opinion is lost to time and is not published online) and the Kentucky Supreme Court subsequently denied discretionary review.

While the tragedy might have broken some men, it had the opposite effect on King. He was appointed as the Commonwealth Attorney in 1992 by Gov. Brereton Jones. King was then elevated in 1995 to the Kentucky Supreme Court – King ran and lost for election to fill the full term in 1996.

King's service extended beyond the law. Along with his wife, King started a program called Project Vision in 1992. He promised to send a group of 38 poor Louisville children (all 7th graders) to college. Thirty-four of the children stuck with the program and went off to college six years later. Ultimately 21 of the 38 children in the program received degrees. King paid for it all.

A few years later, King also started a program with Sacred Heart Academy (a private girls school) where he funds tuition for young girls. It continues to serve girls today and the genesis of King's charity more than 40 years later is the 1988 jury verdict.

King was represented at the jury trial by Jon Robinson of Decatur, IL. Remington's lawyer was Thomas Speckman, Louisville.

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