

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

September 2026

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30 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.

Gun Control Act Violation - A teenage boy (just graduated from high school) died by suicide after purchasing online an illegal “ghost gun” kit that is designed to skirt laws regulating gun sales – his mother pursued a wrongful death case against the gun maker and after it failed to answer a default was entered against it – the case was tried against an empty chair, the estate taking \$4.2 million for the teen’s destruction and \$100,000,000 more in punitive damages

Herp v. Husky Armory et al, 24-5885

Plaintiff: Tad Thomas and Julie P.

Anderson, *Thomas Law Offices*,

Prospect and Dana Mulhauser and

Caroline Zweifach, *Everytown Law*,

New York, NY

Defense: No appearance (Default)

Verdict: \$104,200,000 for plaintiff

Court: **Jefferson**

Judge: Brian C. Edwards

Date: 7-15-26

In the summer of 2023, Henry Willis, age 18, was on the cusp of adulthood. He’d just graduated from Seneca High School. Willis was a popular student and played on the basketball team. He also worked as a guard at a skating rink. Willis enjoyed a close relationship with his two younger brothers. Willis did have a history of mental illness including schizophrenia. However his family

was hopeful that he had turned the corner and that his future was bright.

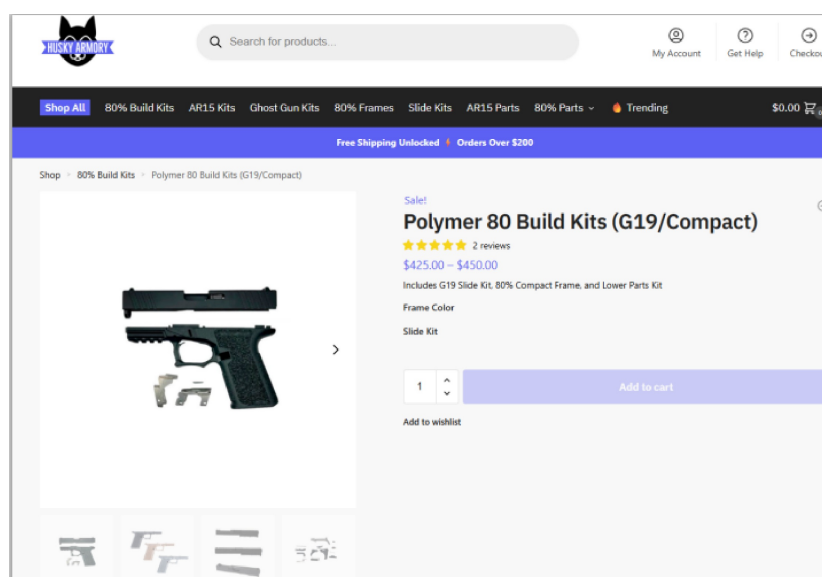
Willis ordered a “ghost gun” on 7-6-23 from Husky Armory which is a subsidiary of Up North Media. They are based in Omaha. The sale was made online.

What is a ghost gun? It is an illegally sold firearm that are unserialized (there is no unique serial number) and thus cannot be traced. Ghost guns are sold as kits that are easily assembled. The whole model is designed to avoid federal law restricting gun sales based on age, identity and eligibility. In fact that was the whole marketing scheme by Husky – it flouted “F the ATF” in its marketing that no registration was required and that the guns were so easy to assemble that “nearly anyone with a brain could do so.” It was true. A Husky ghost gun is easy to assemble with just a few household tools and

could be done in 30 minutes.

The gun kit Willis had ordered arrived on 7-24-23. He assembled it. Six days later Willis used the gun and died by suicide. Because of his age and a prior criminal conviction (he’d had a charge related to a fight with his girlfriend’s brother), Willis would not have been eligible to buy a gun from a dealer. His mental health had deteriorated to the point that a reasonable gun dealer would have appreciated that status and not sold him a gun. In fact Willis had been turned away from a dealer before buying this ghost gun.

Willis’s grief-stricken mother, Laura Herp, was determined to seek justice for her son and to prevent this from happening to another family. She filed this lawsuit against Husky Armory and Up North Media and



A screenshot of the Husky Armory product page for the pistol-building kit that Henry purchased. Archived June 3, 2023, the month before Henry purchased the kit.

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A Notable Kentucky Complaint

There was a medical negligence lawsuit filed on 9-11-26 in Louisville. The plaintiff is Savannah DeMelo, a midfielder for the Racing Louisville women's professional soccer team. She went into cardiac arrest last September during a game in Seattle at Lumen Field

Earlier that year DeMelo treated with a cardiologist and sports medicine specialist (both employed by U of L Physicians) for chest pain and dizziness. In her lawsuit DeMelo alleges a diagnostic error by her physicians led to the cardiac arrest and a permanent heart injury. DeMelo has seven caps on the USA national team. She has not played since her collapse. Paul Casi, II, Paul Casi, III and David Casi, *Paul A. Casi, II, PSC*, Louisville for the plaintiff. At the time of this report, the defendants had not filed an answer.

The complaint is at the link:

[Melo v. U of L Physicians Complaint](#)

A Notable Appellate Opinion

We were wondering what happened to the Jilianne Warner case. You'll recall Warner, then age 27, was left a permanent C4-6 quadriplegic after being rear-ended by a tow truck in 2017. She sued the tow truck company as well as an insurer, GEICO, which had contracted with the tow truck company to do roadside assistance runs. In a two-phase trial with complex liability issues in March and May of 2024, a Louisville jury (Judge Tracy Davis presiding) found against GEICO and Warner took \$163,973,760 in damages including a Kentucky record of \$141 million in pain and suffering.

JNOV motions were denied by Judge Davis in October of 2024. GEICO and other defendants appealed. The plaintiffs took a cross-

appeal. See Case No. 6175 for the original KTCR verdict report.

The Kentucky Court of Appeals had its opinion in the case in July of 2026. The non-published opinion (47 pages in length) was written by Judge Combs and she was joined by Judges Moynahan and Taylor. The court's key finding was that GEICO (it was the primary defendant and the one with the most at stake) should have prevailed on summary judgment as the trial court improperly characterized operating a tow truck as inherently dangerous. That was the hook (inherently dangerous) whereby Warner sought to impose liability on GEICO for the negligence of its independent contractor tow truck company. That is, a principal is not liable for the tortious conduct of an independent

Moreover, tow trucks are specifically designed and operated (in the absence of negligence) to enhance public safety. They do not increase the cost of highway construction and maintenance in the same way that motor trucks or private vehicles do, nor do they interfere with or limit the use of highways by normal traffic. They are operated solely to keep roadways clear of disabled and

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illegally parked vehicles. Operated with ordinary care, tow trucks do not endanger the safety and lives of the traveling public.

Thus, the trial court erred in denying summary judgment to GEICO on its erroneous theory that GEICO was vicariously liable to Warner for the negligence of an independent contractor's (Midnight Recovery's) employee (Worley). The court erred in its characterization of the operation of a tow truck *per se* as being inherently dangerous and thus creating an exception to the general rule against such liability.

The key portion of the opinion on GEICO's liability

Historical Kentucky Verdicts

School Negligence - A Teenage caddy at Louisville Country Club took a swig of whisky from a bottle in the club's boiler room which turned out to be a caustic chemical

Chesser v. Louisville Country Club

Plaintiff: Thomas Gates, James Becker and Edward Ewen, Jr., Louisville

Defense: Fielden Woodward,

Woodward Hobson & Fulton, Louisville

Verdict: Directed verdict

Court: **Jefferson**

Judge: George Broadus

Date: August 18, 1959

Richard Chesser, then age 16, was working as a golf caddy on May 22, 1955 at Louisville Country Club. As the caddies waited to be called onto the course, they regularly gathered near the caddy house. They'd play cards, strike golf balls and otherwise goof off. On this date Chesser chased a cat down to the club's boiler room.

Chesser observed several whisky bottles that were stored on the shelf. The record states that at least one of the bottles was a well-known brand. It contained a dark liquid. Chesser believed it to be whisky and he took a drink. This was a mistake.

The country club had chemicals (used in club operations) delivered in a 55 gallon drum. Those chemicals were then transferred to the whisky bottles for convenient use. They were not marked as unfit for human consumption. But who would be drinking whisky from a bottle in the boiler room?

Chesser consumed the poisonous chemical compound and sustained a serious injury. He sued the country club and alleged negligence by it in storing the chemicals in a whisky bottle. He argued this represented an attractive nuisance. The case came to trial four years later and the

presiding Judge Broadus granted the country club's motion for a directed verdict. Why? As Chesser was a bare licensee, the country club's duty (even if its conduct was negligent) was only to not set a trap for Chesser. In this case it had not done this and Chesser's conduct in stealing a swig could not be predicted.

Chesser took an appeal. The Kentucky Court of Appeals affirmed in October of 1960. **See** *Chesser v. Louisville Country Club*, 339 S.W.2d 1960 (Ky. 1960).

Medical Negligence - The plaintiff died of complications secondary to a surgical sponge that had been left in her abdomen during a hysterectomy – an Owensboro jury in 1970 awarded the woman's estate \$96,340 in damages which would be about \$800,000 in 2026 dollars

Howard v. Oldham

Verdict: \$96,340 for plaintiff

Court: **Daviess**

Judge: Dan Griffith

Date: July 29, 1970

Georgia Howard, age 34 and of Livermore, KY, underwent a hysterectomy on June 2, 1969. It was performed at Owensboro-Daviess County Hospital by a surgeon, Dr. John Oldham. He was assisted by Dr. Edwin Hanekamp. Howard had post surgical complications and it was discovered the next March that a surgical sponge had been left in her abdominal cavity. It was removed in a March 17, 1970 surgery. She died of an infection complication two weeks later.

Howard's estate (representing her husband, Estill "Doodlebug" Howard sued Oldham and Hanekamp. The claim alleged the sponge error led to the second surgery and Howard's death. The defendants replied that the sponge count was correct at the time of the surgery. The estate replied that Oldham as the "Captain of the Ship"

was responsible for the sponge error.

The case was tried to a jury in July of 1970. It is not clear when the plaintiff filed the lawsuit but presumably it was before the sponge was removed. Why? It would be unlikely for the wrongful death lawsuit to be filed in March of 1970 and then be tried to a jury four months later. The attorneys involved are not known.

The jury's verdict was for the estate against Oldham. Hanekamp was exonerated. The jury awarded damages of \$96,340. The verdict was broken down as follows and each of the sums including for non-economic damages were odd numbers:

Medicals: \$3,224

Lost Earnings: \$62,889

Pain and Suffering: \$17,778

Loss of Consortium: \$11,334

The \$96,340 verdict would be

equivalent to \$800,000 in 2026

dollars. [Ed. Note - The report on the verdict lists these individual sums and the math adds up to just \$95,525 which represents a discrepancy of \$96,340. The remainder of the 1970 report (now 56 years old) indicates the verdict totaled \$96,340. Which is it? Who knows in 2026]

Dr. Oldham was apparently a colorful figure. Three years later in 1973 the doctor was indicted for his involvement in a local gambling craps game. He pled guilty and received a \$1,500 fine. Oldham died a year later at age 69.

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