

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.

Uninsured Motorist - The plaintiff, age 70, complained of low-back pain and had a course of pain management care after a very minor rear-end crash – in this UM trial, the jury awarded medicals of \$50,728 as claimed as well as \$20,000 for the plaintiff's pain and suffering

Powell v. USAA, 21-27

Plaintiff: Scott A. Wallitsch and Paul Chumbley, *Morgan & Morgan*, Louisville

Defense: Eric A. Hamilton, *Coleman Lochmiller & Bond*, Elizabethtown

Verdict: \$120,728 for plaintiff

Court: **Meade**

Judge: Bruce T. Butler

Date: 8-14-24

Charles Powell, then age 70 and a Vietnam Veteran and retired union carpenter, stopped in traffic on Old Mill Road in Brandenburg on 6-19-19. He was driving a Ford F-350 pick-up truck. Behind him in traffic was Leah Black. Black couldn't stop in time and rear-ended Powell. There was no damage to Powell's pick-up truck and the airbags did not deploy.

Powell still reported neck pain and a headache. He was transported by ambulance to U of L Hospital where he was treated and released for an apparent soft-tissue injury. Powell didn't seek treatment until a month later when he saw his primary care physician. He then began an ordinary course of physical therapy.

INSTRUCTION NO. 2

You will determine from the evidence and award Charles Powell a sum of money that will fairly and reasonably compensate him for each element of damage listed below that you are satisfied from the evidence he has sustained as a direct result of the motor vehicle collision. This includes damages for pre-existing conditions to the extent that such were aroused or aggravated by the collision.

(a) Medical expenses which he has incurred in the past due to the collision (not less than \$26,331.54 but not to exceed \$50,728.04)

\$ 50,728.04 (write in answer)

(b) Medical expenses which he is reasonably certain to incur in the future due to the collision (not to exceed \$350,064.00)

\$ 50,000.00 (write in answer)

(c) Pain and suffering (physical or mental) that he sustained in the past or is reasonably certain to endure in the future due to the collision (not to exceed \$2,000,000.)

\$ 20,000.00 (write in answer)

FOREPERSON (If Verdict is Unanimous)

Or, Nine or more agreeing:

Cody Cole DAVID BAKER
James Miller Hannah Neal
John Hardcastle Eric L. Mastromarino
William Wilson

Please proceed to Instruction 3.

The Powell v. USAA jury verdict

Powell continued to report neck and back pain and then treated with a pain management physician, Dr. Jason Lewis. Lewis' care included SI joint and L4-5 injections. Powell reported improvement from those modalities and is expected to have a future care of pain management care.

As Black was uninsured (Black subsequently died), Powell sought uninsured motorist coverage from his carrier, USAA. Powell incurred medical bills of \$50,728 and sought \$350,064 more in the future. His pain and suffering were limited to \$2,000,000 in the jury instructions.