

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

KENNETH PRICE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 22C1371
	)	
ACER LANDSCAPE SERVICES, LLC,	)	
	)	
Defendant.	)	

ORDER ENTERING TRIAL JUDGMENT

This personal injury case came to be heard for trial on January 29, 2024, January 30, 2024, and January 31, 2024, before the Honorable Amanda McClendon. The following jury of thirteen was sworn in on January 29, 2024, to well and truly try the issues in this case:

Lorenzo Hobson, Alaina Bond, Edward Wallace, Brandi Spivey, Alan Cooper, Martha Roche Smith, Michael Cunningham, Keyvon Smith, James Hamlet, Jason Smith, Gavin Smith, Eleanor Stein, and Jennifer Ward.

From January 30, 2024, through January 31, 2024, the Jury heard (1) opening statements from counsel for each of the parties, (2) the Plaintiff's case in chief, which included testimony from Chris Cross, Graham Bryant, Dr. Joseph Blythe (by video deposition), Michael Malone, Plaintiff Kenneth Price, and Cindee Gold, as well as Exhibits 1-6, (3) the Defendant's case in chief which including testimony from Dr. David West (by video deposition), and Exhibits 7-8, (4) and closing arguments from counsel for each of the parties. At the close of proof, Defendant did not move for a directed verdict. The parties agreed to all instructions to be read to the jury. The Court read the Jury Charge to the Jury on January 31, 2024, before closing arguments. The Court then selected an alternate juror by random selection and thereafter excused Alania Bond from service. The Jury began deliberations on January 31, 2024.

Around 3:30 p.m. on January 31, 2024, the Jury announced that it had reached a verdict. The Jury returned to the courtroom. The foreperson, Martha Roche Smith, announced a unanimous verdict of the jury concerning the questions on the verdict form. Specifically, the Jury unanimously found as follows:

1. Did Plaintiff prove that Defendant Acer Landscaping Services, LLC caused an injury to Plaintiff? (The Plaintiff, Kenneth Price, has the burden of proof).

YES ✓ NO

2. What amount of damages do you find were caused by the motor vehicle accident?
- (The Plaintiff, Kenneth Price, has the burden of proof).

Physical Pain and Mental Suffering – Past	<u>\$ 39,000.00</u>
Loss of Enjoyment of Life – Past	<u>\$ 39,000.00</u>
Medical Expenses – Past	<u>\$ 25,105.02</u>
Physical Pain and Mental Suffering – Future	<u>\$ 25,000.00</u>
Loss of Enjoyment of Life –Future	<u>\$ 25,000.00</u>
Medical Expenses – Future	<u>\$ 200,000.00</u>
Permanent Injury	<u>\$ 25,000.00</u>
Loss Of Earning Capacity	<u>\$ 325,000.00</u>
Total:	<u>\$ 703,105.02</u>

Accordingly, it is therefore **ORDERED, ADJUDGED AND DECREED** that:

1. The verdict of the Jury is the judgment of this Court, and Plaintiff Kenneth Price shall have and recover from and against Defendant Acer Landscape Services LLC compensation in the amount of \$39,000.00 for past physical pain and mental suffering, \$39,000.00 for past loss enjoyment of life, \$25,105.02 for past medical expenses, \$25,000.00 for future physical pain and mental suffering, \$25,000.00 for future loss of enjoyment of life, \$200,000.00 for future medical

expenses, and \$325,000.00 for loss of earning capacity. Thus, judgment is entered against Defendant Acer Landscape Services LLC in the total amount of \$703,105.02.

2. Post-judgment interest shall accrue on the amount of the judgment entered above at the rate of 10.5% per annum from January 29, 2024, as provided under Tenn. Code. Ann § 47-14-121. The daily rate of interest is \$202.26.

3. Court Costs are taxed to Defendant Acer Landscape Services LLC, for which execution may issue if necessary.

4. The issue of discretionary costs is deferred pending further motion and briefing by the parties.

SUBMITTED FOR ENTRY:

/s/ J. Thomas Mihalczko, III
J. Thomas Mihalczko, III, BPR#038022
Brandon E. Bass, BPR#22014
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that, on February 1, 2024, a true and correct copy of the foregoing document has been served in the manner of service indicated on the counsel of record listed below:

- ☐ By U.S. Mail, properly addressed and first-class postage prepaid
- ☐ By facsimile
- ☒ By operation of the Court's electronic filing system
- ☐ By email in Adobe PDF format under Tenn. R. Civ. P. 5.02(2)
- ☐ By hand delivery
- ☐ By third-party express delivery carrier, i.e., Federal Express, for overnight delivery

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/s/ J. Thomas Mihalcz, III

J. Thomas Mihalcz, III



Case Title: PRICE V ACER LANDSCAPE SERVICES LLC
Case Number: 22C1371
Type: ORDER- GENERAL

The foregoing is hereby ORDERED, ADJUDGED
AND DECREED:

Judge Amanda McClendon, Second Circuit