

The Tennessee Jury Verdict Reporter

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Statewide Jury Verdict Coverage

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Medical Negligence - A newborn's permanent brain injury was allegedly linked to the attending Ob-Gyn's failure to timely anticipate a uterine rupture and promptly order a C-section

Bowens v. Cronin, 41582

Plaintiff: Mary M. Koch and Robert S. Lewis, *Wais Vogelstein Forman Koch & Norman*, Baltimore, MD, Thomas Greer, *Greer Injury Lawyers*, Memphis and Robert D. Bates, II, *Bates Injury Law*, Kingsport

Defense: C.J. Gideon, Jr. and Natalie M. Gideon, *Gideon Essary Tardio & Carter*, Nashville and Elizabeth M. Hutton and K. Justin Hutton, *The Hutton Firm*, Johnson City

Verdict: Defense verdict on liability
Court: **Washington County (Jonesborough)**

Judge: Suzanne S. Cook
Date: 8-21-25

Alexandra Bowen's third pregnancy concluded with a classical (vertical) c-section at 25 weeks gestation. She also had an enhanced risk of uterine rupture in future pregnancies. Her fourth pregnancy (the subject of this report) and first diagnosed in July of 2020, was largely normal.

Bowens awoke in the middle of the night on 2-7-21 (she was 34 weeks pregnant) with intense and excruciating pain in her pubic area. She called 911 and an ambulance took her to the Johnson County Medical Center. The hospital is a d/b/a of Ballad Health.

Bowens arrived at the hospital at

5:16 a.m. and fetal monitoring was begun shortly thereafter by a hospital nurse, Brianna Edwards, RN. Edwards identified that Bowens and the baby were normal and so reported to the first-year resident at the hospital, Dr. Elizabeth Van Buren. Van Buren did an initial history and examined Bowens at 6:00 a.m. Edwards for her part did not consider an imminent or immediate risk of uterine rupture. She handed off Bowens as a patient at a 7:00 a.m. shift change to Teresa Walker, RN. Walker remained at Bowens' bedside through the remainder of the morning.

There was evidence at 7:26 a.m. of a disruption in the fetal monitoring. Bowens declined to permit the nurse to touch her abdomen in order to adjust the monitor. Dr. Alison Cronin, the attending Ob-Gyn, first became aware of the patient when she accompanied resident physician, Van Buren, to the room for a second sterile vaginal exam at 7:41 a.m.

After the exam, Bowens got up, went to the bathroom and noticed a change in her condition while in the bathroom. After the patient returned to bed, Nurse Walker could not re-establish monitoring of the child. Nurse Walker called for assistance. Cronin and oncoming attending, Dr. Bethany Reynolds, M.D., and the resident physicians came into the room to assist. Cronin evaluated Bowens and the condition of the fetus. Bedside ultrasonography was performed. On the second pass of the

Historic Tennessee Verdict

Utility Negligence - A little boy suffered severe burns (and lost his right hand) when he fell on an Memphis LGW transformer that was on an elevated (but unprotected) platform on a vacant lot next to his home – a Memphis jury awarded the boy in 1965 and his mother damages of \$150,000, which was reversed by the Court of Appeals but reinstated by the Supreme Court

Hay v. Memphis Light Gas & Water
\$150,000 for plaintiffs

Shelby Circuit Court

December 3, 1965

William McLain for the plaintiff
Leo Bearman and Charles Crabtree for Memphis LGW

Tommy Hay, then age 9, was playing with his brother (Boyd) in the vacant lot next to their home on the afternoon of 1-24-64. They lived in Memphis on Willowview Street in the eastside of town off Getwell Avenue. The vacant lot was owned by Memphis Light Gas & Water (LGW). It featured an electrical transformer (120 volts) that was located on an elevated platform. There was no fence on the property or around the platform. The high voltage lines were not insulated.

Children commonly played in the vacant lot. On this day Tommy and his brother were flying kites. Tommy climbed the twelve-foot platform near the transformer to get a higher elevation to launch his kite. He missed a step and fell on the transformer. Besides being shocked by the voltage, his clothes caught fire. His brother suffered burns himself as he attempted to put out the fire that had engulfed Tommy.

YOUTH WINS DAMAGES

Jury Awards \$125,000 In Suit Against LG&W

Thomas Hay, an 11-year-old South Park School fourth grader, has been awarded \$125,000 damages for burns received while playing around unfenced and exposed Memphis Light, Gas & Water Division high voltage wires.

The Circuit Court jury also gave his mother, Mrs. Minnie Hay of 4189 Willowview an additional \$25,000. She testified the boy's hospital and medical expense for skin grafts, amputation of his right hand and other treatment of burns over more than 65 per cent of his body has been more than \$15,000. Future grafts are necessary, a surgeon testified.

The accident occurred in January, 1964, when Tommy and an older brother climbed the 12-foot wooden supports of a platform on which transformers and the wiring were lodged. The platform was on a vacant lot owned by LG&W adjacent to the Hay home and was unfenced.

A report on the verdict from 1965

Tommy suffered very serious burns to 65% of his body. He underwent

several surgeries including skin grafts. Tommy's right hand was later amputated. His medical bills were approximately \$15,000.

Hay's mother (Minnie) filed this lawsuit against LGW and alleged negligence by it in failing to fence the property and the platform or to otherwise provide any warning of the danger. LGW replied and argued that the boy was a trespasser and that both he and his mother were contributorily negligent.

The case came to trial almost two years later in December of 1965. The plaintiffs prevailed and the jury awarded Tommy \$125,000 and his mother \$25,000 more. The verdict totaled \$150,000. That would be about \$1.5 million in today dollars, which while substantial then and now is a relatively modest award for such a very serious injury.

LGW took an appeal and argued it was error to admit proof of the electrical code. The Court of Appeals reversed on this basis on 11-20-66. Judge Bejach wrote the opinion.

Hay appealed and the Tennessee Supreme Court took the case. It's opinion (authored by Humphrey) was issued on 3-18-68. It concluded the admission of the electrical code was a harmless error. It reinstated the verdict. See *Hay v. Memphis LGW*, 426 S.W.2d 152 (TN 1968). There is no record of the resolution of the case beyond the appeal, but presumably it was paid.

Life was not easy for Tommy. He suffered this serious and life-changing injury as boy. Then 30 years later he was murdered in his home (near Parsons, TN in Decatur County)

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