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November 2025

Statewide Jury Verdict Coverage

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Auto Negligence - The plaintiff (his mother was his lawyer at trial) already had a history of three prior L4-5 discectomy surgeries and alleged this right-of-way accident led to a fusion surgery two years later – the plaintiff's IME expert confirmed the causation while his treating neurosurgeon did not – a Memphis jury deliberated just 20 minutes and returned a defense verdict on causation

Rasmussen v. Nasongo, CT-2033-19

Plaintiff: Robin H. Rasmussen, Memphis

Defense: Andrew H. Owens, *Owens Law Firm*, Memphis for unnamed UM, Tennessee Farmers

James B. "Trey" McClain, III, Memphis for Nasongo

Verdict: Defense verdict on causation

Court: **Shelby**

Judge: Yolanda Kight Brown

Date: 3-5-25

Christopher Rasmussen, then age 40, was already an eggshell plaintiff of sorts. He'd previously undergone three L4-5 discectomy surgeries. At the time of the third one, Rasmussen's

surgeon had warned the procedure was likely to fail and a fusion surgery would be required. Rasmussen had preferred the less invasive discectomy.

Moving forward to 5-10-18, Rasmussen traveled on Stage Road in Bartlett. Suddenly Amos Nasongo pulled from a private drive and into Rasmussen's path. A moderate collision resulted. Nasongo did not contest causation.

Thereafter Rasmussen treated for increased low-back pain. It culminated with an L4-5 fusion

triggered. Stryker defended as above that Carlyle was fired solely because of his performance.

The case was tried for four days this October. [Ed. Note - It was interesting the case was tried at all as the federal government ran out of money for non-essential services, including civil jury trials, on October 20th, the day the trial was to begin. There were virtually no cases in trial (that had not already begun) in the United States after that date.] In any event the jury then deliberated for an hour over lunch.

The first instruction asked if Carlyle had proven by a preponderance of the evidence that he was terminated because of his age. The jury said no and then didn't reach the various damage categories. A defense judgment was entered for Stryker.

Case Documents:

[Summary Judgment Order](#)

[Pretrial Order](#)

[Jury Verdict](#)

Medical Negligence - The plaintiff alleged her dermatologist and his medical group botched a facial Moh's surgery, removing seven layers of skin during an hours long procedure when first the procedure was not indicated or necessary and which left her with a disfiguring injury that affects her speech and breathing – the jury found fault and awarded nearly \$3.5 million in damages including \$3.3 million of non-economic damages – the jury also made a finding that would trigger punitive damages and the parties immediately settled the matter before the punitive phase would begin

Goodnight v. Tusa et al, 19-331

Plaintiff: Alix C. Michel and David J.

Ward, *Michel & Ward*, Chattanooga

Defense: F. Laurens Brock, Jr. And

Donna L. Boyce, *Adams & Reese*,

Nashville

Verdict: \$3,449,958 for plaintiff and case settled as punitive damages phase was to begin

Court: **Hamilton**

Judge: J. Michael Sharp

Date: 8-23-25

Kellianne Goodnight, then age 51 and of Rossville, GA, treated on 12-20-17 with Dr. Mark Tusa, a dermatologist at Chattanooga Skin and Cancer Clinic (CSCC). It was suspected she had a basil cell carcinoma (cancer) on the crease where her nose meets her face. The plan to perform a Moh's surgery. This is when a small slice of skin is removed, evaluated for cancer and then repeated until the slice is negative for cancer.

The procedure lasted for many hours and Tusa relied on a nurse practitioner, Sharon Brown, to assist in the slicing process. Goodnight went

through the removal of six separate layers of skin. Tusa read them as positive for cancer. He did the seventh layer and it was not. The surgery was over.

It would later turn out there was evidence that Goodnight didn't have cancer at all. She was now left with a large and disfiguring scar on her face. Goodnight was so ashamed she was reluctant to go outside without a mask. She underwent numerous repair surgeries but continues to have a permanent disfigurement. It was describe that she has a large, deep, irreversible and unnecessary crater in the middle of her face.

Goodnight sued Tusa, the medical group and Brown in this lawsuit and alleged negligence in several ways. First because of several co-morbidities, diabetes and a bleeding disorder, she was a poor candidate in the first place for a Moh's procedure when there were alternative methods available to treat the suspected cancer.

Her expert, Dr. Megan Morrison, Dermatology, Smyrna, was critical of the performance of the surgery too and allowing a nurse practitioner to perform some of the cuts. The combination of these errors led to a permanent and disfiguring injury as Tusa "chased" a benign tumor. Goodnight also identified two other experts, Dr. Omar Sanguenza, Pathology, Wake Forest, who indicated the tumor was not cancer and a plaintiff's IME, Dr. David Citu, Physical Medicine Richmond, VA.

If Goodnight prevailed at trial, she sought her medical bills of \$149,958. She also claimed non-economic damages in five categories, past and future suffering, past and future loss of enjoyment of life and permanent impairment/disfigurement.

Goodnight also alleged that Tusa

not believe the fusion surgery was related. Hooper's lawyer's suggested a portion of the medical bills excluding the surgery and related care (\$15,633) and \$10,000 more for Marsh's pain and suffering.

The case was tried for two days in Nashville. The jury found Hooper was at fault. It then moved to damages. The jury awarded medicals of \$15,633 (a fraction of the claimed sum) and \$10,000 more for Marsh's past suffering. It rejected any award for future suffering or past or future loss of enjoyment of life. The verdict totaled \$25,633 (it was the exact sum Hooper's lawyer had suggested) and a consistent judgment was entered by the court.

Case Documents:

[Complaint](#)

[Jury Verdict](#)

[Final Judgment](#)

A Historical Tennessee Jury Verdict

Products Liability - A twelve-year old boy suffered a severe and catastrophic brain injury in a four-wheeler ATV accident involving a Honda – he alleged the company marketed the ATV as “family fun” when in fact the ATVs are complex and dangerous vehicles

Ladd v. Honda, 9605-C

Plaintiff: Joe Bednarz, Nashville

Defense: R. Dale Bay, *Lewis King*

Krieg & Waldrop, Nashville

Verdict: Defense verdict on liability

Court: **Sumner**

Judge: Thomas Goodall

Date: April 14, 1994

Michael Ladd, then age 12, was on a borrowed four-wheeler in Portland on 4-27-86. It was a new bright red TRX 250 model manufactured by Honda. As Ladd was riding the ATV (he wasn't wearing a helmet and had a passenger), he hit a small depression. Ladd lost control was thrown from the ATV. His head struck a utility pole. The boy suffered severe and disabling brain. He can barely communicate and

his confined to a wheelchair. Ladd, who requires constant care, also lost sight in one eye.

Ladd sued Honda and alleged the vehicle was defective. He cited its advertising campaign that the ATV was “family fun.” In fact the ATVs are just as complex and dangerous as a motorcycle. If Ladd prevailed he sought compensatory damages of \$10,000,000 and ten times that sum in punitives.

Honda denied there was any defect at all in the ATV. It blamed the crash on a lack of parental supervision. Honda also noted there were clearly marked stickers that indicated the ATV should not be operated by persons under the age of 14.

The case was tried in Gallatin for nearly six weeks in March and April of 1993. The jury deliberated for 18 hours over two days. It returned a defense verdict. Jurors were seen in tears as they left the courthouse. Ladd moved for a new trial. Judge Woodall denied it.

Ladd took an appeal. The Tennessee Court of Appeals reversed in August of 1996. Judge Koch (joined by Todd and Cantrell) held that the trial court's

instruction requiring proof of misrepresentation by Honda was error. A new trial was order. As that second trial approached, the parties fully compromised the matter by entering a confidential settlement in July of 1997.



A 1986 Honda TRX 250 ATV

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