

The Tennessee Jury Verdict Reporter

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Statewide Jury Verdict Coverage

21 TJVR 3

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In This Issue

Davidson County

Auto Negligence - \$703,102 p. 3

Federal Court - Memphis

Civil Rights - \$70,000 p. 1

Auto Negligence - \$70,000 p. 5

Hamilton County

Medical Negligence - Defense verdict p. 4

Auto Negligence - Defense verdict p. 7

Federal Court - Nashville

Civil Rights - Defense verdict p. 6

Shelby County

Auto Negligence - \$11,978/\$2,304 p. 8

Robertson County

Auto Negligence - \$160,000 p. 9

Monroe County

Uninsured Motorist - Defense verdict p. 10

Civil Rights - The police responded to the scene of a domestic call and when the purported victim (she was pregnant) would not identify herself for purposes of making a report, she was seized and jailed for some 12 hours – the jury found a constitutional seizure violation by the deputy sheriff on the scene but exonerated two supervisors back at dispatch who had authorized the seizure

Gray v. Shelby County Sheriff, 2:20-2947

Plaintiff: Brice M. Timmons and

Craig A. Edginton, *Donati Law*,

Memphis

Defense: Robert D. Meyers, Aubrey B.

Greer and Danielle Rassoul, *Glankler*

Brown, Memphis

Verdict: \$70,000 for plaintiff against

Dep. Barnett; Defense

verdict for Sgts. Sumner

and Simonsen

Federal: **Memphis**

Judge: Samuel H.

Mays, Jr.

Date: 2-8-24

It was 3-29-20 and Kesha Gray and her fiancé were driving around a residential area (Pisgah Road) of Memphis to look at real estate. They got in an argument. Gray (she was pregnant at the time) wanted to cool off and got out of the car. She and her fiancé continued to have an

angry conversation.

A bystander, Christopher Hodges, observed the interaction. He believed the fiancé was attacking Gray. He approached and told the fiancé to stop. The fiancé (he's not named in the record) threatened Hodges. Hodges pulled a gun on the fiancé who fled the scene in his car. Gray was now left standing by the side of the road.

Hodges made a 911 call and reported a domestic disturbance. A deputy sheriff, Brett Barnett, joined by his partner, arrived to investigate the matter. Gray denied there was anything going on at all. She also would not identify herself. Gray later explained there had been no domestic event and there was nothing to investigate.



never go away. He asked the jury to make a forever decision (he valued the case at \$955,000) and explained Price couldn't come back and ask for me. He ended that corporations sometimes make things up and try to rig the system – he finished and asked the jury to make things right.

Vos did the closing for Acer Landscape. She began that the case was about responsibility and Acer Landscape had accepted responsibility. However she told the jury plaintiff's claim for \$900,000-plus didn't align with reality. Vos continued that Acer Landscape was entitled to investigate and defend the claim and then referred to the opinion from the defense expert that Price had suffered just a temporary injury. Vos didn't discuss numbers but told the jury that if any element of damages had not been proven, the jury was to put a "zero" next to that award.

The trial had lasted for three days. As the jury deliberated the case, it returned to the court with a multi-part question. They asked: The verdict form does not include a section for loss of earning ability. Are we to consider this factor? And if so, then which damage category? In response the court advised the jury that they were correct that there was not a line for loss of earning capacity and instructed the jury to add it on their own.

The jury having resolved this question, it returned a verdict. It first found that the defendant had caused an injury. While fault was not in question, Price still had to overcome the causation query to reach damages.

The jury awarded him medical bills of \$25,105 and \$200,000 more for in the future. His lost earning capacity (on the handwritten line added by Judge McClendon) was \$325,000.

The jury then went to non-economic and considered five categories. The award was \$39,000 each (there was no apparent rhyme or reason to \$39,000) for both past and future pain and suffering. Past and future loss of enjoyment of life as well as permanent injury were all \$25,000. The non-economic damages were \$153,000 and totaling all damages element, the verdict for Price was \$703,102. The non-economic damages represented a 6.09 ratio to his medical bills. A consistent judgment was entered by the court.

Acer Landscape has since moved for a new trial and/or remittitur. It first argued that lost earning capacity should not have been a "line item" on the verdict form in the first place because, (1) Price had not so pled it in his amended complaint and (2) the verdict form had already been agreed upon by the parties. In any event Acer Landscape thought there was no competent proof to support the \$325,000 lost earning capacity in the first place as it only rested on Price's testimony that he worked a little slower. The motion is pending and at the time of this report, the plaintiff had not replied.

Case Documents:

[Jury Verdict](#)

[Final Judgment](#)

[Defense New Trial/Remittitur Motion](#)

[Trial Transcript](#)

Medical Negligence - The plaintiff, age 23 and an otherwise healthy young man, presented to the ER at Memorial Hospital in Chattanooga with chest pain that tingled into his left arm – the pain resolved at the hospital and he was discharged after seeing a PA (he never saw the supervising) doctor with a diagnosis of heartburn – the man was dead the next day of a cardiac event and his estate alleged error by the PA and MD in failing to properly triage him and rule out a cardiac crisis

Sanders v. McDougal et al, 12-764

Plaintiff: W. Bryan Smith and Chad D. Graddy, *Bryan Smith & Associates*, Memphis and Marvin B. Berke, *Berke Berke & Berke*, Chattanooga
 Defense: Arthur P. Brock, H. Dean Clements and Drew H. Reynolds, *Spears Moore Rebman & Williams*, Chattanooga

Verdict: Defense verdict on liability

Court: **Hamilton**

Judge: Kyle E. Hedrick

Date: 4-13-23

Quartez Sanders, age 23, was an otherwise healthy man on 2-27-11 when he presented to the ER at Memorial Hospital. He had chest pain that tingled into his left arm. Sanders was seen in the ER by a PA, Ryan Bowman.

Bowman evaluated Sanders and ordered a chest x-ray and EKG. He also consulted with his supervising ER physician, Dr. Patrick McDougal. Sanders' condition improved at the ER and he was discharged with a diagnosis of heartburn. He was given Prilosec and referred to a clinic. McDougal never saw Sanders.

Sanders was found face down in his bathroom the next day. He was dead. Sanders had suffered coronary ischemic event. He was survived by