

The Tennessee Jury Verdict Reporter

The Most Current and Complete Summary of Tennessee Jury Verdicts

June 2026

Statewide Jury Verdict Coverage

23 TJVR 6

Tennessee's Source for Jury Verdicts Since 2004

In This Issue

Davidson County

Truck Negligence - \$300,000 p. 4

Shelby County

Medical Negligence - \$38,816,500 p. 1

Workplace Negligence - \$982,754 p. 5

Auto Negligence - Defense verdict p. 12

Federal Court - Nashville

Sexual Harassment - \$62,000 p. 3

Dickson County

Medical Negligence - \$4,448,000 p. 8

Historical Jury Verdicts

Shelby County (1974)

Assault - \$1,000 p. 13

Federal Court - Chattanooga (1980)

Civil Rights - \$350,000 p. 13

Notable Kentucky Verdict

Louisville, Kentucky

Medical Negligence - \$30,626,916 p. 15

Notable Alabama Verdict

Birmingham, Alabama

Swimming Pool Negligence - \$7,500,000 p. 16

Medical Negligence - Two Ob-Gyns were blamed for mismanaging a pregnancy and the infant's fetal distress, the delay in calling a c-section leading to a permanent brain injury – the jury found the doctors equally at fault and awarded more than \$38 million in total damages including \$27,000,000 of the non-economic variety which was \$26.25 million more than the legislature has mandated is lawful – the case settled for a confidential amount before a final judgment was entered

Birdo v. UT Regional One Physicians, CT-1389-20

Plaintiff: Thomas R. Greer, Jodi L. Black and Eric H. Espey, *Greer Injury Lawyers*, Memphis

Defense: Joseph M. Clark and Samantha E. Bennett, *Lewis Thomason*, Memphis

Verdict: \$38,816,500 for plaintiff fault being assessed equally to Drs.

Levi D'Ancona and Shepherd

Court: **Shelby**

Judge: W. Christopher Frulla

Date: 4-16-26

Neues Christian presented to the Labor and Delivery Department at Regional Medical Center on 2:05 in the morning on 1-4-17. It would be 27 hours until her son (Cordell Birdo) was born the next day by c-section at 5:48 a.m. He had suffered an hypoxic brain injury. The effects are permanent and severe.

In this lawsuit the boy (through his mother) alleged negligence by two treating Ob-Gyns who managed his care at the hospital, Dr. Roberto Levi-D'Ancona and Dr. Claudette Shepherd. Levi-D'Ancona had managed the care until 6:00 p.m. on 1-4-17 before Shepherd took over.

The allegations of negligence were technical, complex and went to the timing of the decision to perform a c-section. The heart of the case was that there were alarming signs of fetal distress related to diminished oxygenation, and that the defendants delayed calling for a c-section in response to this. Had the child been delivered sooner, the theory went, at the latest by 6:00 p.m. on 1-4-17 for Levi-D'Ancona (when he went off duty) and 10:00 p.m. as to Shepherd (rather than seven hours later the next morning), the injury would have been avoided.

The case was more complex as the brain injury was related to the mother's water having broken 13 hours before the delivery. That led to an infection which in part accounted for infant's fetal distress, a so-called toxic intrauterine environment. The plaintiff sought substantial damages for the life care plan and lost earnings as well as for Birdo's non-economic damages.

The plaintiff built its case through several experts. They included Dr.

Historical Tennessee Verdicts

Assault - The plaintiff alleged she was assaulted at a nightclub by Jerry Lee Lewis – Jerry Lee replied the woman threw a book at him when he refused her song request

McMahon v. Lewis

Plaintiff: John A. Cooper, Memphis

Verdict: \$1,000 for plaintiff

Court: **Shelby**

Date: April 25, 1974

Ann McMahon was a patron in the summer of 1971 at the El Capitan supper club in Whitehaven. The club had what was then a novelty, a discotheque. It also maintained some level of decorum – men had to wear a coat and tie after seven in the evening and turtle necks were not allowed.

On this evening famed artist Jerry Lee Lewis (*Great Balls of Fire* among many other hits) was playing the El Capitan. His star had dimmed a little since his 1957 marriage to a thirteen-year old girl, but he had enjoyed a resurgence by 1971 and was a regular on the country-western hit list.

There would be facts about what occurred this evening at the supper club. McMahon alleged that during an intermission, Jerry Lee made vulgar and insulting remarks to her over the PA system. He then pulled her across his organ and struck her in the face with his music book.

That was McMahon's version. Jerry Lee saw it differently. He alleged that after he refused to play a song for her, McMahon threw a book at him. He denied the assault.

McMahon sued Jerry Lee and sought damages in this lawsuit. The case was tried to a Memphis jury in October of 1971. McMahon prevailed on the assault claim and took \$1,000 in damages. McMahon had asked the



El Capitan

SUPPER CLUB OF DISTINCTION

1354 Poplar

For reservations, call 274-9995

DANCE TO DISCOTHEQUE

. . . first in Memphis!

OPEN 2-1 6 DAYS

CLOSED SUNDAYS

**FEATURING FABULOUS
STEAKS**

American Express Credit Cards

Coats & Ties After 7

No turtle neck sweaters

A contemporaneous advertisement for El Capitan

jury to award her \$25,000.

Civil Rights - The son of a prominent Chattanooga lawyer was roughly arrested and beaten after a music festival on "Pleasure Island" in the Tennessee River by sheriff's deputies who were acting to shut down what they considered to be a "gross pot party"

Waterhouse v. Marion County Sheriff

Verdict: \$350,000 for plaintiff

Federal: **Chattanooga**

Date: February 1, 1989

There was a music festival in May of 1979 on "Pleasure Island" in Marion County. The island is located 15 miles west of Chattanooga on the Tennessee River. Edward Waterhouse, age 27, attended the festival. The Harvard-educated Waterhouse was the son of a very prominent Chattanooga lawyer,

James Waterhouse. James was a senior partner at Miller & Martin and a well-known civic leader.

If there was one thing Marion County Sheriff (Lloyd Hood) didn't like, it was the young folks getting together and having fun. He thought the music festival was a "gross pot party" and he was eager to shut it down. Sheriff Hood sent deputies to do just.

There was evidence that Waterhouse was first arrested and beaten. He was then take to a police car and then beaten some more. Thereafter he was held in jail overnight and denied his medications. Hood and his goons went on to arrest 34 more at the festival as well as 10 at a roadblock at the Hamilton County line.

Waterhouse sued Hood and his deputies in federal court in

consent violations. If Skeeters prevailed she sought her medical bills \$620,916. She also sought sums (not capped in the instructions) for her pain and suffering. Her husband (Micah) presented a derivative consortium count.

The defendants replied that they made a reasonable judgment (as described above) to go forward with the surgery even in the absence of bowel prep. They also argued that their pre-surgery consultations were reasonable, and Skeeters was fully informed of the risks. The plaintiff's poor result was described as a complication of the surgery, Farmer also explaining it was reasonable to delay the repair surgery from 8-12 (upon her return to the ER) until three days later on 8-15. This was because she was stable and he was hoping to avoid a colostomy.

The defense experts were Dr. William Harb, Colorectal Surgery, Nashville, TN and Dr. Matthew Siedhoff, Minimally Invasive Gynecological Surgery. The defendants noted that the plaintiff experts (a surgeon and Ob-Gyn) lacked the specialized colorectal and minimally invasive gynecology training of its experts.

This case was tried over a week (from a Tuesday to Tuesday) before Judge Morris. At the close of proof, the plaintiff dismissed her claim for punitive damages.

The jury's verdict was mixed as to the two doctors. Skeeters prevailed against Farmer on both the "colorectal surgery" standard and informed consent. The result was different as to Biscette. The jury found she had not violated the "minimally invasive gynecology" standard but for Skeeters on informed consent. The jury assessed

the fault 90% to Farmer and the remaining 10% to Biscette.

The jury then moved to damages. The plaintiff took her medical bills of \$620,916. Her pain and suffering was \$20,000,000, her husband taking \$10,000,000 more for his consortium interest. The raw verdict totaled \$30,620,916.

[**Ed. Note** - The \$20,000,000 pain and suffering award is a tie (with four other cases) for the second largest pain and suffering award in Kentucky history. The largest is quadriplegic verdict (\$141,000,000) from 2024 in Case No. 6173. The three other \$20,000,000 results involved, (1) Death-No.6080, (2) Moderate burn-No. 2275, and (3) Catastrophic leg injury-No. 5507. The consortium award (\$10,000,00) ties the largest spousal result in Kentucky history which has been returned two times before. See the Pain and Suffering Report (KTCR 2025 Year in Review at page 519), and the Loss of Consortium Report (KTCR 2025 Year in Review at page 490).]

Skeeters has since moved for the entry of a judgment consistent with the verdict. That represented a judgment against Farmer and ULP in the sum of \$27,558,824 and \$3,062,091 against Biscette and ULP.

The defendants have opposed the plaintiff's tendered judgment. Why? It pointed to plaintiff's last CR 8.01(2) submission (filed the day the trial began) that limited pain and suffering and consortium, respectively, to \$15,000,000 and \$5,000,000. The motion has argued Kentucky law prohibits unliquidated damages in excess of CR 8.01(2) disclosures. The defendants requested the final judgment limit be limited those disclosures which would represent a gross \$20,620,916 verdict as opposed

to \$30,620,916. At the time of this report no final judgment had been entered.

A Notable Alabama Verdict

Swimming Pool Negligence - A teenage boy drowned at a country club pool after he descended into the deep end from a slide – while there was no lifeguard on duty, the country club had prominent warning signs in place – the plaintiff's theory was that a local county regulation imposed a duty to have two lifeguards on duty and that this breach led to the plaintiff's death – the plaintiff prevailed at trial and took damages of \$7.5 million

Adams v. Riverchase Country Club, 2:23-1540

Plaintiff: Bryan E. Comer, Desmond V. Tobias and Lacey D. Smith, *Tobias & Comer*, Mobile, AL and Thomas Coleman, Jr., *Smith Spires Peddy Hamilton & Coleman*,

Birmingham, AL

Defense: Irving W. Jones, Jr., Jason B. Tompkins and M. Ames Filippini, *Balch & Bingham*, Birmingham, AL

Verdict: \$7,500,000 for plaintiff
Federal: **Birmingham, Alabama**

Judge: Liles C. Burke

Date: 6-10-26

Reginald "Devon" Adams had just turned 18 in the summer of 2023 and was a recent graduate of Pelham High School. He was a popular young man and a long-time stalwart on the Pelham track team. On the afternoon of 8-23-23, Adams joined friends at the Riverchase Country Club in Hoover (Shelby County, AL) for a birthday party. It was a Tuesday.

