

The Tennessee Jury Verdict Reporter

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Statewide Jury Verdict Coverage

22 TJVR 7

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In This Issue

Davidson County

Auto Negligence - \$71,286/\$25,326 p. 2

Products Liability - Settled p.

Shelby County

Medical Negligence - \$4,230,000 p. 1

Auto Negligence - \$6,634 p.

Premises Liability - Defense verdict p.

Federal Court - Memphis

Negligent Security - Mixed p. 4

Madison County

Medical Negligence - Defense verdict p. 5

Rutherford County

Auto Negligence - Defense verdict p. 7

Federal Court - Nashville

Breach of Contract - Mixed verdict p. 7

Historic Jury Verdict

Federal Court - Chattanooga

Hotel Negligence - \$25,000 p. 8

Notable Kentucky Verdict

Lexington, Kentucky

Premises Liability - \$1,599,451 p. 9

Notable Georgia Verdict

Atlanta, Georgia

Dram Shop - Defense verdict p. 10

Notable Verdict

Birmingham, AL

Workplace Neg. - \$10,000,000 p. 11

Medical Negligence - The plaintiff suffered complications from blood loss (a mild brain injury) related to an abdominal aortic injury sustained during a laparoscopic robotic hysterectomy – in this lawsuit she blamed her Ob-Gyn's technical performance for the injury, the Ob-Gyn replying it was a surgical complication – the jury awarded the plaintiff \$4.23 million including \$3.8 million in non-economic damages, that element of damages being reduced to \$750,000 by operation of the state's tort reform scheme

Mayo v. Lacy, CT-004514-16

Plaintiff: Jacob Webster Brown, William R. Faulk and Sara R.

McKinney, *Apperson Crump*, Memphis

Defense: Joshua M. Clark and

Samantha E. Bennett, *Lewis Thomason*,

Memphis

Verdict: \$4,230,000 for plaintiff

Court: **Shelby**

Judge: Cedrick D. Wooten

Date: 10-10-24

Gwendolyn Mayo, then age 48, underwent a laparoscopic robotic hysterectomy on 7-8-15. It was performed at Baptist Women's Hospital by an Ob-Gyn, Dr. Susan Lacy of Primary Care Group. Lacy utilized a Veress technique to insufflate Mayo's abdomen with gas.

During the surgery a trocar injured Mayo's abdominal aorta as well as her bowel. This caused Mayo to lose 35 ml of blood and have several transfusions. She also underwent a complex repair surgery, was subsequently

hospitalized for 23 days and endured a lengthy recovery. Her condition was grave at times during that process and she was near death. There was evidence that the blood loss event related to the trocar injury caused Mayo to suffer a mild brain injury.

There was proof that Mayo's concentration and ability to do complex tasks has been diminished. It has also affected her ability to perform at her management job for a medical device company. She also reports PTSD.

In this lawsuit Mayo alleged medical error by Lacy in causing her injuries. Her expert, Dr. Michael Hawkins, Ob-Gyn, Dickson, was critical of Lacy's technical performance in performing the surgery. That included the improper location of the trocar and using too much force with it. Hawkins also found error by Lacy in not sufficiently "insufflating" Mayo's abdomen to create more space to visualize the anatomy.

A neuropsychologist for Mayo, Pamela Auble, Nashville, confirmed the cognitive injury and linked it to the surgical event. If Mayo prevailed at trial she sought non-economic damages in five categories. She could also take sums for medical bills as well as past and future lost earning as quantified by an economist, Gilbert Mathis, Murray, KY. Her claim advanced against both Lacy and then vicariously against her employer.

the *Law Offices of John Day*, Brentwood. The remaining plaintiffs (Wright and Huether estates) advanced to trial against Continental Aerospace. As the trial approached, Judge McClendon made a key ruling. She determined that Continental Aerospace's conduct was not so egregious as to permit the imposition of punitive damages.

The case began and was hotly contested for six days. On the sixth day the parties entered a confidential settlement to resolve the case. While the case settled in April, the final resolution has dragged on (it is not complete yet) as the court has not finally approved the minor settlement agreement.

Premises Liability - A little boy suffered a partially severed right ring finger when a table at a chicken restaurant shifted and crushed it

Sheffa v. Church's Chicken, CT-4151-19

Plaintiff: Eugene A. Laurenzia,
Godwin Morris Laurenzia & Bloomfield,
Memphis

Defense: Kevin D. Bernstein, *Spicer Rudstrom*, Memphis

Verdict: Defense verdict on liability

Court: **Shelby**

Judge: Yolanda Kight-Brown

Date: 11-5-24

Tario Sheffa, a fourth grader, was a patron on 10-2-18 at a Church's Chicken in Memphis for lunch after being picked up by his father from school. The chicken store is a d/b/a of Cajun Operations. Sheffa's father was looking at the menu and the boy took a seat at a table. They noticed the table was wobbly.

A moment later the tabletop slid off its base. Sheffa reached for it and in the process, it pinched and crushed his hand. The tip of his right ring finger was partially amputated. The



The table at Church's Chicken where Sheffa was injured

boy incurred medical bills of \$7,000.

Sheffa, through his father Tanio, pursued this lawsuit against Church's Chicken. The theory was that the wobbly and unstable table top represented an unsafe condition. Church's Chicken denied fault for the incident and sought to apportion fault to Sheffa.

Church's Chicken had initially removed the case to federal court on diversity grounds. Sheffa replied that he would not seek damages above \$74,500 and thus below the court's jurisdictional limits. The presiding

Judge John T. Fowlkes, Jr. remanded the case and it proceeded to trial in state court.

The jury's verdict was for Church's Chicken on liability and Sheffa took nothing. A defense judgment was entered and the case is closed.