The Tennessee Jury Verdict Reporter

The Most Current and Complete Summary of Tennessee Jury Verdicts

July/August 2026 **Statewide Jury Verdict Coverage** **23 TJVR 7/8**

Tennessee's Source for Jury Verdicts Since 2004

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Truck Negligence - Two plaintiff were rear-ended on I-24 near Chattanooga by a tractor-trailer in an "at-speed" collision that resulted in minor damage – one more seriously injured plaintiff linked a "SLAP" tear to his shoulder (it was surgically repaired), while the defense contested the wreck was too minor to have caused a compensable injury – this jury in Chattanooga agreed and rejected the claims on causation

Bolivar et al v. HMD Trucking, 1:24-155
Plaintiff: Tim O. Henshaw, Chattanooga and Christopher A. McNutt, Birmingham, AL, both of *Alexander Shunnarah Trial Attorneys*
Defense: Mary Beth White and Kaitlyn M. Phillips, *Lewis Thomason*, Nashville
Verdict: Defense verdict on causation
Federal: **Chattanooga**
Judge: Travis R. McDonough
Date: 7-31-26

Radha Bolivar, then age 35, was operating a Toyota Corolla sedan on I-24 in Marion County, TN on 3-1-23. His passenger was Angelica Goatache. On this same early evening Antonio Wortham was driving a tractor-trailer for HMD Trucking. A moment later Wortham rear-ended the Bolivar vehicle.

It was an "at speed" collision that initially caused the Bolivar Toyota to rock side to side. Bolivar was then able to retain control of his vehicle and bring it to a stop 90 seconds later. The collision resulted in minor damage (scrapes and a small dent) and no injury was reported at the scene. Dash cam video on the HMD truck captured the crash.

Bolivar and Goatache returned to their Kansas City, MO home and began to seek treatment. Bolivar (more seriously hurt) complained of left shoulder pain. He was diagnosed with a SLAP shoulder tear. It was surgically repaired in July of 2023. He has also complained of low-back pain and emotional symptoms. His medical bills were $72,667.

Bolivar built his case through his treating physicians in Kansas City as well as a retained expert, Dr. Gregory Smith, Occupational Medicine, St. Petersburg Beach, FL. Smith identified Bolivar's injuries and linked them to the collision. He also developed a significant life care plan for future medicals in the sum of $337,751.

As the case went to the jury, Bolivar sought damages in three categories, (1) incurred medicals (none in the future), (2) past non-economic damages, and (3) future non-economic damages. Goatache also treated for soft-tissue injuries. Her medical bills were $13,027. The case was originally filed in state court. HMD Trucking removed it to

Breaking Jury Verdict Update

After a five-day trial that ended on Monday, CSX was exonerated in an a case related to the devastating August 2021 flood in Waverly. A storm system dumped 16 inches of rain in 24 hours and water from Trace Creek accumulated behind a CSX raised railroad track embankment which served as a temporary dam. The floodwaters eroded the railbed and resulted in the failure of the embankment. The washout purportedly led to a surge of 228 million gallons of water that surged to downtown Waverly. Nineteen persons were killed in the flood and many more suffered emotional injuries.

Those Waverly plaintiffs (33 in all at trial) sued CSX and sought substantial damages. Judge Crenshaw (federal court in Nashville) organized a three-part trial, (1) liability, (2) causation and compensatory damages for the individual plaintiffs and, (3) punitive damages. The first phase was conducted in the last week on failure to warn and nuisance counts. CSX prevailed on both claims.
Rigney et al v. CSX, 3:22:342
Plaintiff: Craig D. Brown and Frank V. Cesarone, *Meyers & Flowers*, St. Charles, IL and Robert E. Kennedy, *Weisman Kennedy & Berris*, Cleveland, OH
Defense: S. Camille Reifers and John J. Bennett, *Reifers Holmes & Peters*, Memphis
Judge: Waverly D. Crenshaw
Date: 8-10-26

Full report coming in the September 2026 edition.
Case Documents:
Pretrial Order

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MATTHEW RIGNEY et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	**No. 3:22-CV-00342**
	)	
CSX TRANSPORTATION, INC.,	)	
	)	
Defendant.	)	

VERDICT FORM

We, the jury, unanimously answer the questions below as follows:

1. Did Plaintiffs prove, by a preponderance of the evidence, that CSX Transportation, Inc. failed to warn of an unsafe condition on its property?

   Yes _____ No ✓

   Answer Question 2 whether you answered "Yes" or "No" to this Question. Proceed to Question 2.

2. Did Plaintiffs prove, by a preponderance of the evidence, that CSX Transportation, Inc. maintained a nuisance by wrongfully interfering with the natural drainage of surface water?

   Yes _____ No ✓

   Sign and date the Verdict Form and send a written message to the Court that you have reached a verdict.

8/10/26
Date

[redacted]

The Rigney v. CSX jury verdict

developed an infection. It continued to get worse. He died two weeks after the surgery. His demise was linked to a spinal meningitis infection.

Nunnelly's estate, representing his wife, sued the hospital and alleged negligence in failing to diagnose and treat the infection in a timely fashion. The case was tried five years after Nunnelly died in Nashville in July of 1988. The jury found for the estate and awarded damages of $379,500. That would be almost $1.1 million dollars in 2026. There is no record of the resolution of the case beyond the verdict.

Wrongful Death - The plaintiff died the next morning of alcohol poisoning after winning a bet to see if he could drink 10 Zombie cocktails in an hour – he could . . .but with a BAC of .416, he was dead hours later – his estate (representing his parents) alleged negligence by the bar in overserving him as well as the friend who made the bet in the first place

Kirksey v. East End Grill et al
Plaintiff: Eugene Gaerig, Memphis and Ronald Taylor, Southaven, MS
Defense: James Garts, Jr., *Harris Shelton*, Memphis and Robert Sabbatini, *Shuttleworth Smith & Webb*, Memphis for East End Grill
J. Kimbrough, Johnson, *Thomason Dendrix*, Memphis for Hanna (the friend who placed the bet with the decedent)
Verdict: Defense verdict on liability
Court: **Shelby**
Date: June 8, 1989

The Zombie alcoholic drink is a potent Tiki style cocktail. It mixes three kinds of rum, apricot brandy and fruit juices. A well-made Zombie features a 151 topper for extra kick. The decedent in this case, Robert Kirksey, age 27, came to the East End Grill (5343 Knights Arnold Road) in Memphis on the evening of 2-17-85. He'd already been drinking when he arrived.

Kirksey joined a friend, Denny Hanna, and the drinking continued. Hanna made Kirksey a bet. He'd pay him $100 if Kirksey could drink ten Zombies in an hour. Kirksey took the bet. The bar served him nine of the drinks. After the fifth, sixth, seventh and eighth drinks, Kirksey had vomited. When he went back to buy the tenth Zombie, the bartenders decided to cut him off. A friend bought the tenth drink. Kirksey won the bet and maybe lost the war.

Kirksey fell unconscious and his friends carried him out of the bar. The plan was that he'd sleep off the drunk. Kirksey was placed on a friend's couch and was last heard snoring at 6:00 in the morning. A few hours later he was discovered dead. He'd choked on his own vomit in a drunken stupor. His BAC would later be estimated at .416.

Kirksey's estate sued the East End Grill (a d/b/a of Overton Pub)and alleged negligence by its bartenders in overserving him when it was clear he was intoxicated. It was also alleged they had conspired to serve stronger the normal Zombies such that Kirksey more likely had the alcohol of 17 Zombies rather than just ten. The estate also targeted his friend Hanna for negligence in failing to render aide.

The trial court granted summary judgment in 1986 for the defendants. The estate appealed. The Court of Appeals reversed in 1987 (*Kirksey v. Overton Pub*, 739 S.W.2d 230) that there were fact disputes that precluded summary judgment. The case was tried to a Memphis jury in June of 1989. The jury cleared the East End Grill, its bartenders and the friend, Hanna.

The plaintiff took an appeal and cited some 15 separate errors at trial. The Court of Appeals, hearing the case a second time, affirmed on all counts. **See** *Kirksey v. Overton* Pub, 804 S.W.2d 68 (1990). The Supreme Court didn't take the case and that ended this litigation.

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