

# The Tennessee Jury Verdict Reporter

The Most Current and Complete Summary of Tennessee Jury Verdicts

September 2024

Statewide Jury Verdict Coverage

21 TJVR 9

*Tennessee's Source for Jury Verdicts Since 2004*

## In This Issue

### Federal Court - Knoxville

Products Liability - Defense verdict p. 1

Families First Coronavirus Act

Discrimination - Defense verdict p. 6

### Hamilton County

Negligent Security - Defense verdict

p. 3

Auto Negligence - \$190,980

p. 9

### Federal Court - Memphis

Civil Rights - Defense verdict

p. 4

Civil Rights - Hung jury

p. 10

### Federal Court - Chattanooga

Civil Rights - Defense verdict

p. 4

### Knox County

Uninsured Motorist - \$45,000

p. 8

### Federal Court - Nashville

Age Discrimination - Defense verdict

p. 11

### Notable Mississippi Verdict

*Decatur, Mississippi*

Auto Negligence - \$4,078,223

p. 12

**Products Liability - The plaintiff suffered an arm injury (and it was later amputated) following a roll-over accident involving a Polaris-manufactured off-road Razor vehicle – the accident occurred (there was alcohol involved) when the plaintiff's driver performed a sudden "donut" maneuver – the plaintiff alleged the Razor was defectively designed and lacked adequate warnings particularly in that there was not a passive retention system to protect passengers in a foreseeable roll-over event**

*Martin v. Polaris*, 3:22-322

Plaintiff: Dan C. Stanley, *Stanley & Collins*, Knoxville and Eric B. Foust, Knoxville

Defense: Eric Todd Presnell and R.

Brandon Bundren and Casey L. Miller, *Bradley Arant Boulton Cummings*, Nashville

Verdict: Defense verdict on liability

Federal: **Knoxville**

Judge: Curtis L. Collier

Date: 8-20-24

Zachary Martin, age 27 and an electrician, joined friends on the morning of 9-17-21 at Windrock Park (Anderson County, TN) to engage in off-roading. The area is popular for this activity. Martin's friend, Houston Adams, was operating a Polaris-manufactured 2019 Razor RZR 100 model. It was a so-called ROV representing a recreational off-road vehicle. They can reach high speeds and their appeal in part is that they are fun.

That fun can be balanced with danger as the ROV's fun characteristics also lend them to have a propensity to roll-over. The Razor does not have a passive restraint system to keep passengers (and their body parts) inside the vehicle during a roll-over. This is particularly a concern with a passenger's arms which can slip outside during a roll-over and sustain injury. In the context of the Razor, the passenger is expected to hold onto the roll bar.

What happened in this case? While Martin would deny it, there was proof that before the incident, he spent part of the night drinking. He consumed approximately one pint of "Jack Daniel's Fire" as well as drinking beer. His BAC would later be estimated at .17. Martin had also stayed up most of the night before. Finally there was evidence Adams was drinking too. It is important to note that Martin vehemently denied he was intoxicated and an officer at the scene concluded alcohol was not a contributing factor.

Whether alcohol was involved or not, Adams set out to "off-road" in the Polaris Razor. Martin was his passenger. As Adams drove the Razor at 15 to 20 mph, he attempted a sharp quarter left turn. This is also known as a donut. During the donut, the Razor rolled over. Martin (who was buckled in) reached for the roll bar during the rollover, but he lost his grip. His arm was crushed and mangled in the roll-over.

**Auto Negligence - The plaintiff suffered a multi-level disc injury (her spine was later fused from T4 to the sacrum) after a significant rear-ender – the plaintiff took non-economic damages of \$150,000 which were 3.66 times the medical bills**

*Hughes v. Wilson et al*, 21-299

Plaintiff: Robert P. Gritton, *Gritton & Gritton*, Murfreesboro and Kyle Peiter, Goodlettsville

Defense: Allen Callison, *MGC Law*, Brentwood

Verdict: \$190,980 for plaintiff

Court: **Hamilton**

Judge: Kyle Hedrick

Date: 7-18-24

Jimmy Hughes was stopped in traffic in Chattanooga on Hwy 153 on 1-23-20. A moment later she was rear-ended by Chad Wilson who was driving a Ford F-650 tow truck for Smith Asset Recovery. Wilson’s speed was estimated at 40 mph. It was a hard that totaled the Hughes SUV.

Hughes reported neck pain at the scene was taken by ambulance to the ER at Erlanger Hospital. A CT scan taken at the hospital indicated lumbar compression fractures. The radiologist suggested they were “chronic appearing.” In this regard Hughes was an eggshell plaintiff of sorts as she had two prior lumbar and one cervical surgery with Dr. Daniel Keuter, Neurosurgery, Chattanooga.

Five days after the wreck Hughes treated with a chiropractor for wide-ranging symptoms. After two months of chiropractic care, Hughes returned to Keuter. An MRI identified the lumbar fractures. His first set of care involved epidural injections.

Ultimately Keuter identified a significant collapse in Hughes’ lumbar spine. She ultimately underwent three surgeries on her lumbar spine (November 2020, February 2022 and

September 2022). That resulted in Hughes’ spine being fused at 14 levels from T4 to the sacrum. Keuter attributed the surgeries to this accident.

In this lawsuit Hughes sought damages from Wilson and his employer. Her theory was simple enough. He rear-ended her at high speed and set of her course of lumbar injuries. If she prevailed she sought medical bills and non-economic damages. Her medical bills as presented to the jury were \$587,344.

The defense contested liability and



*The Hughes vehicle after the collision*

4. Decide the amount of damages sustained by the Plaintiff. Do not reduce those damages by any percentage of fault you may have assigned to plaintiff. It is the responsibility of the Judge, after you return your verdict, to reduce the damages you award, if any, by the percentage of fault you assign to plaintiff. What amount of damages, if any, do you find were sustained by plaintiff? (Burden of proof is on the plaintiff).

1) Medical Expenses:	\$ 40,980
2) Pain and suffering (past):	\$ 100,000
3) Pain and suffering (future):	\$ 0
4) Loss of the ability to enjoy life (past):	\$ 50,000
5) Loss of ability to enjoy life (future):	\$ 0
6) Permanent injury:	\$ 0
7) Disfigurement	\$ 0
TOTAL DAMAGES \$ 190,980	

When you have answered the questions above, have the foreperson sign and date the verdict form and return to the courtroom:

*D. G. Peiter*  
Presiding Juror

Date 7/18/24

*The Hughes verdict form on damages*