

The Tennessee Jury Verdict Reporter

The Most Current and Complete Summary of Tennessee Jury Verdicts

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Statewide Jury Verdict Coverage

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Tennessee's Source for Jury Verdicts Since 2004

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Disability Discrimination - A maintenance technician working for county government received a service dog for his PTSD and soon thereafter he was placed on indefinite leave because of safety concerns, the plaintiff's job essentially being eliminated – the plaintiff sued and alleged ADA violations in three ways, discrimination, failure to make a reasonable accommodation and interference with his rights

Vaden v. Putnam County, 2:24-83

Plaintiff: R. Ethan Hargraves, *Massey & Associates*, Chattanooga

Defense: Kenneth S. Williams and Mary Dee Allen, *Wimberly Lawson*, Knoxville

Verdict: \$333,318 for plaintiff

Federal: **Cookeville**

Judge: Waverly D. Crenshaw, Jr.

Date: 8-21-26

Jason Vaden, then age 45, worked for eight years as a maintenance technician for Putnam County (TN). He had a history of PTSD, anxiety and depression. He was on a waiting list to receive a service dog. Vaden got the good news in December of 2023 – he received a service dog named Gabe.

Right after Vaden received the dog, a fellow co-worker made complaints about safety. There were issues that Vaden's job involved working on ladders, climbing heights and being

around electrical lines. The concern was that having a dog in those spaces could create a risk of injury to Vaden or others.

Almost right away in January of 2024, Putnam County investigated. Vaden was subjected to invasive and in-depth questioning about his disability including by the county attorney. Putnam County concluded Vaden didn't need the dog, and noted he'd done his job for eight years without a service animal.

Vaden responded and asked for a reasonable accommodation to rely on Gabe. Putnam County placed him on indefinite leave and made him to see a county-hired doctor, Dr. Toney Hudson, Cookeville, Occupational Medicine. Hudson held Vaden out of work although Vaden believed that Hudson had not addressed the central issue related to whether the dog could assist Vaden in his job, the doctor referring to Gabe (a trained service animal) as just a puppy.

Vaden further alleged that over the next few months (January to April), Putnam County failed to communicate with Vaden at all. That changed on 4-3-24 when the county informed Vaden that relying on Hudson's opinions and a conclusion that Vaden was a danger, he would remain on FMLA leave. That FMLA leave ended and by July, Vaden's job had been posted. He'd been effectively terminated. Vaden

“poor feeding.”

The defense experts were Dr. Robert Mallard, Pediatrics, Dr. Lewis McCoy Miller, Pediatric Neurology and Dr. Neil White, Pediatric Endocrinology. The defense also called the lactation consultant to testify. Henschel replied on the merits that while the girl’s feeding was less than ideal, it was in the range of what would be expected for a normal newborn. Moreover his discharge order was reasonable and the development of Marlee’s rare hypoglycemic condition was not reasonably foreseeable.

The case was heard by a Murfreesboro jury which deliberated on the afternoon of the 8th day of trial, and then continued those deliberations into the morning of the 9th day. The jury’s verdict was for Henschel on liability that he had not violated the standard of care. The jury then did not reach the comparative fault of the since-settled hospital and its nurses. The jury could have also apportioned fault to the parents for failing to follow discharge instructions. At the time of this report no final judgment had been entered.

The court’s instructions were interesting in that the jury was told that the hospital had settled, and they were given a special instruction that stated: “You were told during voir dire that Saint Thomas Rutherford Hospital was previously sued in this case but settled with the Plaintiffs. You are not to consider the fact that a settlement occurred in deciding whether or not the hospital’s nurses met the standard of care or caused Plaintiffs any injury which would not otherwise have occurred. You are also not to consider the fact that a settlement occurred in deciding

whether to allocate any percentage (%) of fault to the hospital.”

Case Documents:

[Jury Verdict](#)

Common Law Negligence-Nuisance - During a 1,000 year rain event (16 inches in one hour) in August of 2021, a CSX raised railroad embankment on Trace Creek was overtopped by flood waters and failed – this led to a devastating flood of nearby Waverly, TN that killed 19 and resulted in emotional injuries to many more – a class of 33 plaintiffs came to a bifurcated trial (phase one) on liability based on common law negligence in failing to warn of the flood danger and nuisance in altering the natural flow of water – CSX denied negligence and argued the disaster was related to the unprecedented rain event

Rigney et al v. CSX, 3:22-342

Plaintiff: Craig D. Brown, Frank V. Cesarone and Jonathan P. Minicieli, *Meyers & Flowers*, St. Charles, IL and Robert E. Kennedy and David C. Landever, *Weisman Kennedy & Berris*, Cleveland, OH

Defense: S. Camille Reifers, John J. Bennett and Andrew Todd and Wai-Lin Danieleley, *Reifers Holmes & Peters*, Memphis and Mary Taylor Gallagher, *Gullett Sanford Robinson & Martin*, Nashville

Verdict: Defense verdict on liability

Federal: **Nashville**

Judge: Waverly D. Crenshaw

Date: 8-10-26

There was a 1,000 year rain event in Middle Tennessee that began in the early morning hours of 8-21-21. Some sixteen inches of rain fell in 24 hours. There was proof that water accumulated on Trace Creek (near

Waverly, TN in Humphreys County) behind a raised railroad track embankment operated by CSX. The embankment caused floodwaters to pool behind the tracks. The water then overtopped the embankment. This in turn eroded the CSX railbed. A total failure of the railbed (it had acted like a dam for the rising waters) ensued at several locations.

Some 228 million gallons of water (akin to a tidal wave) rushed to nearby Waverly – CSX thought it was more like 65 million gallons. However the amount was quantified, there was a lot of water. It was a sudden and uncontrolled surge. The results were devastating. Nineteen persons were killed in the flooding and many more alleged emotional injuries related to the flood.

A class of plaintiffs (33 in all) sued CSX and advanced two claims. The first was common law negligence by CSX in failing to warn of the unsafe condition (the flooded railroad embankment) on its property. The plaintiffs also alleged nuisance by CSX in wrongfully interfering with the natural flow of surface water. The damages, if the plaintiffs got to that issue, were estimated at \$450 million. The key expert on liability for the plaintiffs was Gerald Blackler, Hydrology.

The CSX defense had one theme – it was the unprecedented weather event that caused this tragedy that was completely unrelated to its actions or inactions. Moreover the flooding was not limited to the present Trace Creek location but also to other area watersheds where there was no CSX infrastructure. CSX also argued that it had no prior knowledge of the looming disaster that would have made it possible to provide a warning. The defense

It was interesting that his only damages on these counts were related to the search and seizure. Why? The court entered an order on damages that as the excessive force claim had been defeated and the chain severed, there would be no proof of damages related to the shooting, or in fact, the shooting itself. This significantly neutered Spakosky's claim as his damages were only associated with the deprivation of his rights in being roused by the police. This was significantly less than those associated with being shot four times.

The McMinn sheriff's deputies replied that they responded to a 911 call and that their "knock and talk" efforts were reasonable. In fact just one of the deputies (Latham) had climbed the steps. Moreover to the extent there was a technical violation of Spakosky's rights, there was no proof he suffered any damages.

The case was tried in two days in Chattanooga. The jury rejected the separate search and seizure claims, and the jury then did not reach damages. It could have awarded Spakosky compensatory (or nominal) and punitive damages on each count. A defense judgment was entered.

Case Documents:

[Summary Judgment Order](#)

[Pretrial Order](#)

[Order Limiting Damages](#)

[Jury Verdict](#)

Historical Tennessee Verdict

Wrongful Death - The plaintiff was killed instantly in an explosion near a fireworks depot – the parties agreed on the economic loss (\$315,084) and the jury in Jacksboro was to decide the companionship claim of his widow – the jury valued the loss at zero

Seiber v. Pyro Shows

Plaintiff: Michael Hatmaker and

W. Lee Asbury, Jacksboro

Defense: J. William Coley, *Hodges*

Doughty & Carson, Knoxville

Verdict: \$315,084 for plaintiff

Court: **Campbell (Chancery)**

Date: March 14, 2001

Luther Seiber, then age 48 and of

Caryville, was on site at the storage facility for Pyro Shows in LaFollette, TN on June 5, 1997. The company produces large fireworks shows and stored spent shells at the facility. Its works were featured at Boomsday in Knoxville and the Fourth of July fireworks show in Washington, D.C. They enjoyed a national reputation.

There was an accidental explosion at the depot at noon on that date. Four persons were killed including Seiber. There was proof his death was instantaneous. He was survived by his wife. Seiber was a leading citizen in the community, a mine safety instructor for the state, long-time city council member and the then serving Vice-Mayor in Caryville. The loss of life shocked the community.

'I thought... my God, a bomb!'

Fireworks tragedy

Blast at LaFollette pyrotechnics depot kills 4

By Wesley Loy
News-Sentinel staff writer

LAFOLLETTE, Tenn. — A monster explosion wrecked a fireworks depot Thursday, killing four people and shattering the peace and young dreams in this small Cumberland Mountains town.

The noon-time blast at Pyro Shows Inc. — a renowned open-

More inside

- A man driving home for lunch narrowly escapes injury/A14
- The victims are remembered/A14
- My102 radio station says Pyro Shows Inc. will be ready for Boomsday/A15
- East Tennesseans will forever recall Polk County explosion/A15

tor of fireworks festivals worldwide — broke out windows and rocked buildings for miles around.

Aside from the four deaths, at least four people were injured in the blast, which damaged some nearby houses and a church and set some vehicles afire.

Campbell County Sheriff Ron McClellan said he was in his vehicle about two blocks away when he heard what sounded like an

Firefighters douse trailers at Pyro Shows Inc. in LaFollette after a fatal explosion that killed four people and injured four others. This is the view from a plane at about 1,000 feet altitude two hours after the explosion.

Byron E. Small/News-Sentinel staff

Please see BLAST, page A15

The explosion was front page news the next day in Knoxville

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