ALABAMA
Civil Trial Reporter

Volume XXXIII, NO. 1 • January 2022

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Civil Trial Reporter

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BALDWIN COUNTY

(1) ANNA MARGARETA BJURO vs. GULF COAST DERMATOLOGY & SKIN CARE CENTRE, PLLC d/b/a ADVANCED DERMATOLOGY AND SKIN CARE CENTRE, and THOMAS W. BENDER, III, M.D. (Circuit Court of Baldwin County, Alabama)

County/Docket #/Judge: Baldwin / CV-2016-900418 / J. Clark Stankoski

Plaintiff(s) Attorney(s): Stephen D. Heninger of Heninger, Garrison, et al., LLC, Birmingham, AL

Defendant(s) Attorney(s): Ross A. Frazer and D. Brent Baker of Frazer Greene, LLC, Mobile, AL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Medical Malpractice/Dermatology/ Intense Pulsed Light Treatments Allegedly Resulting in Burns***. On April 19, 2016, plaintiff Anna Margareta Bjuro filed a medical malpractice action against defendant Gulf Coast Dermatology & Skin Care Centre, PLLC ("GCD") d/b/a Advanced Dermatology and Skin Care Centre, and its employee, defendant Thomas W. Bender, III, M.D. After a consultation with Dr. Bender for the treatment of potential sun damage, plaintiff underwent Intense Pulsed Light (IPL) laser procedures on her face, neck, and chest on March 9, 2015, and on her arms on Nov. 5, 2015, which were administered by Andrea Laken Hudson, a laser technician employed by GCD, at a facility owned by GCD. Plaintiff alleged that Dr. Bender was not present for the procedures, which Hudson negligently performed without applying pretreatment gel and at improper settings on the Lumenis M22 IPL machine, resulting in plaintiff's skin suffering severe blistering and burns.

Defendants denied plaintiff's allegations. Defendants claimed that Hudson had adequate training to perform the IPL procedures and that she was properly supervised at all times. Defendants also claimed that the settings used on plaintiff's IPL procedures were appropriate. Defendants alleged that an IPL procedure using the Lumenis M22 IPL machine could be safely done without the use of gel and that plaintiff's blistering and burns were not caused by a failure to use gel.

Nature Of Injury: Personal injuries including blisters and burns.

Expert Witnesses:

Plaintiff's:
Barry C. Ginsburg, M.D., Dermatology, Birmingham, AL

Defendant's:
John A. Stewart, M.D., Dermatology, Opelika, AL

Verdict: ***For Defendants on Oct. 14, 2021***.

Judgment: For Defendants on Oct. 14, 2021. ■

(2) ELLEN L. CHAPMAN vs. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (Circuit Court of Baldwin County, Alabama)

County/Docket #/Judge: Baldwin / CV-2019-900766 / Scott P. Taylor and C. Joseph Norton

Plaintiff(s) Attorney(s): Andrew T. Citrin and Linda S. Perry of Citrin Law Firm, P.C., Daphne, AL

Defendant(s) Attorney(s): James W. Killion of Killion & Associates, P.C., Mobile, AL

Age/Sex/Occupation Of Plaintiff: 60 / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/ Underinsured Motorist***. Plaintiff Ellen L. Chapman claimed that she sustained permanent injuries on Nov. 15, 2017, when her motor vehicle was struck by a motor vehicle being operated by Cynthia Diane Hanneman after Hanneman negligently ran a stop sign at the intersection of the I-10 off-ramp and Baldwin Beach Express in Baldwin County, AL. Plaintiff alleged that Hanneman was

underinsured at the time of the collision. Plaintiff filed a complaint on May 31, 2019, for underinsured motorist coverage against defendant State Farm Mutual Automobile Insurance Company, her uninsured/underinsured motorist carrier.

Nature Of Injury: Personal injuries.

Expert Witnesses:

Plaintiff's:
Todd B. Edmiston, M.D., Orthopedic Surgery, Fairhope, AL

Defendant's:
William J. Bose, M.D., Orthopedics, Mobile, AL
George Graves, M.D., Neurology, Foley, AL

Verdict: ***$35,000 on Oct. 21, 2021***.

Judgment: $35,000 on Oct. 21, 2021.

Editor's Note: Plaintiff was also awarded costs in the amount of $504.35. ■

(3) FREDERICK BREWSTER COOK II vs. LAURIE LUCILLE DAVIS (Circuit Court of Baldwin County, Alabama)

County/Docket #/Judge: Baldwin / CV-2018-900733 / Scott P. Taylor

Plaintiff(s) Attorney(s): Ryan D. Seanor of Citrin Law Firm, P.C., Daphne, AL; *Pro Se*

Defendant(s) Attorney(s): Steven P. Savarese, Jr., Dennis McKenna, and Andrew Wayne Martin, Jr., of Holtsford, Gilliland, et al., P.C., Daphne, AL

Age/Sex/Occupation Of Plaintiff: 49 / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/ Disputed Liability and Causation of Damages***. Plaintiff Frederick Brewster Cook, II, claimed that on Feb. 3, 2017, defendant Laurie Lucille Davis negligently and wantonly operated a motor vehicle and caused a collision with a motor vehicle being occupied by plaintiff on County Road 87 in Elberta, AL. Plaintiff claimed that he suffered permanent injuries in the collision. On June 12, 2018, plaintiff filed a complaint for negligence and wantonness against defendant.

Defendant denied plaintiff's allegations.

Nature Of Injury: Personal injuries.

Expert Witnesses: n/a

Verdict: ***For Defendant on Oct. 21, 2021***.

Judgment: For Defendant on Oct. 21, 2021. ■

(4) JENNIFER MILLER, as Mother and Next Friend of J.R., a minor, vs. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (Circuit Court of Baldwin County, Alabama)

County/Docket #/Judge: Baldwin / CV-2021-900924 / Scott P. Taylor

Plaintiff(s) Attorney(s): *Pro Se*

Defendant(s) Attorney(s): Steven P. Savarese, Jr., of Holtsford, Gilliland, et al., P.C., Daphne, AL

Age/Sex/Occupation Of Plaintiff: J.R.: Minor / n/a / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision/Injury to Minor/Uninsured/Underinsured Motorist***. Plaintiff Jennifer Miller alleged that her minor child J.R. sustained injuries on Sept. 24, 2020, when a motor vehicle plaintiff was operating in which K.J. was a passenger was rear-ended by a motor vehicle being operated by an unknown driver, which pushed plaintiff's vehicle into the motor vehicle in front of her. Plaintiff claimed that the collision was caused by the unknown driver's negligence. On Aug. 19, 2021, plaintiff filed a complaint for uninsured/underinsured motorist benefits against defendant State Farm Mutual Automobile Insurance Company, her uninsured/underinsured motorist carrier.

Nature Of Injury: Personal injuries.

Expert Witnesses: n/a

Settlement: ***$8,343.75 on Oct. 26, 2021***.

Editor's Note: Abbey Johnston was appointed guardian ad litem for J.R. and received a fee of $750. ■

(5) CHARISE ANNE NICHOLS vs. DYLAN CAIN PFENNINGER (Circuit Court of Baldwin County, Alabama)

County/Docket #/Judge: Baldwin / CV-2018-900053 / J. Clark Stankoski

Plaintiff(s) Attorney(s): J. Thomas Pilcher, IV, of Wilkins, Bankester, et al., P.A., Bay Minette, AL

Defendant(s) Attorney(s): James W. Killion of Killion & Associates, P.C., Mobile, AL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision***. Plaintiff Charise Anne Nichols claimed that she sustained injuries, including severe injuries to her neck and back, on May 12, 2016, when a motor vehicle she was occupying was struck by a motor vehicle being operated by defendant Dylan Cain Pfenninger on State Highway 59 in Foley, AL. Plaintiff filed a complaint on Jan. 15, 2018, alleging that the collision was caused by defendant's negligence and wantonness.

Defendant admitted that his vehicle rolled into the back of plaintiff's vehicle but denied plaintiff's other allegations.

Nature Of Injury: Personal injuries including neck and back injuries.

Expert Witnesses: n/a

Verdict: ***For Defendant on Oct. 19, 2021***.

Judgment: For Defendant on Oct. 19, 2021. ■

(6) ALANE PERDUE, as Parent and Next Friend of J.P., a minor, and FREDRIKA JOHNSON, as Parent and Next Friend of K.J., a minor, vs. JAMIE DRISKELL and STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (Circuit Court of Baldwin County, Alabama)

County/Docket #/Judge: Baldwin / CV-2021-900992 / Jody W. Bishop

Plaintiff(s) Attorney(s): Matthew A. Laymon of Morgan & Morgan Alabama, PLLC, Mobile, AL

Defendant(s) Attorney(s): Frederick T. Bussey of Killion & Associates, P.C., Mobile, AL

Age/Sex/Occupation Of Plaintiff: J.P.: Minor / M / n/a; K.J.: Minor / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/Injury to Minors/Underinsured Motorist***. Plaintiffs Alane Perdue and Fredrika Johnson alleged that their minor children, plaintiffs J.P. and K.J., sustained injuries on Nov. 3, 2020, when a motor vehicle being operated by J.P. in which K.J. was a passenger was involved in a collision with a motor vehicle being negligently operated by defendant Jamie Driskell on AL-181 in Baldwin County, AL. Plaintiffs claimed that Driskell was an underinsured motorist at the time of the collision. On Sept. 9, 2021, plaintiffs filed a complaint for negligence against Driskell. Plaintiffs also asserted a claim for underinsured motorist benefits against defendant State Farm Mutual Automobile Insurance Company, alleging that J.P. and K.J. were insured under a policy issued by State Farm that provided uninsured/underinsured motorist coverage.

Nature Of Injury: Personal injuries.

Expert Witnesses: n/a

Settlement: ***$142,000 on Oct. 28, 2021*** *($77,000 to J.P.: $50,000 from Driskell and $27,000 from State Farm; $65,000 to K.J.: $50,000 from Driskell and $15,000 from State Farm)*.

Editor's Note: Daniel P. Mitchell was appointed guardian ad litem for J.P. and K.J. and received a fee of $1,000. ■

CULLMAN COUNTY

(7) D.T.G., Minor Child and Dependent of TAYLOR C. GRAY, deceased, vs. PLUMCORE, INC. (Circuit Court of Cullman County, Alabama)

County/Docket #/Judge: Cullman / CV-2020-900259 / Gregory A. Nicholas

Plaintiff(s) Attorney(s): Hunter S. Garnett of Warren & Simpson, P.C., Huntsville, AL

Defendant(s) Attorney(s): Lonnie D. Wainwright, Jr., of Wainwright, Pope, et al., P.C., Birmingham, AL

Age/Sex/Occupation Of Plaintiff: 1 / F / n/a; Taylor C. Gray (decedent): n/a / M / n/a

Cause Of Injury: ***Worker's Compensation/Deceased Employee/Death Benefits***. On Oct. 5, 2020, plaintiff D.T.G., the minor child and dependent of Taylor C. Gray ("the decedent"), and defendant Plumcore, Inc., filed a petition for settlement, seeking an order approving the payment of death benefits to plaintiff under Alabama's worker's compensation laws. Defendant admitted that the decedent was its employee on Dec. 17, 2019, and received injuries in an accident that resulted in his death. The decedent's average weekly wage at the time of his death was $819.20.

Under the settlement, plaintiff was to receive weekly death benefits of $368.64 per week ($409.60 less a 10% attorney fee of $40.96) pursuant to the worker's compensation laws for a period not to exceed 500 weeks. The parties agreed that 29 weeks of benefits had accrued through July 6, 2020, and that plaintiff was to receive a lump sum payment of $10,690.56 for those accrued weeks, which left 471 weeks owed in the future.

Nature Of Injury: Death.

Expert Witnesses: n/a

Settlement: ***Petition for settlement approved on Nov. 9, 2020***.

Editor's Note: At the time of settlement, the present value of death benefits was $155,690.52. ■

DEKALB COUNTY

(8) STOREY TRUCKING CO., INC. vs. JAMIE STANCIL (Circuit Court of DeKalb County, Alabama)

County/Docket #/Judge: DeKalb / CV-2019-900103 / Jeremy S. Taylor

Plaintiff(s) Attorney(s): Lauren D. Tice of Clark, May, et al., Birmingham, AL

Defendant(s) Attorney(s): Clark Hall of The Law Office of Clark Hall, Gadsden, AL

Age/Sex/Occupation Of Plaintiff: n/a

Cause Of Injury: ***Worker's Compensation/Declaratory Action/Knee and Spinal Injuries***. On April 2, 2019, plaintiff Storey Trucking Co., Inc. filed a declaratory action against its employee, defendant Jamie Stancil, to determine worker's compensation benefits. Defendant alleged that she sustained injuries to her right knee, lumber spine, and cervical spine while working for plaintiff on Dec. 9, 2018. Defendant claimed that she was permanently partially disabled, which plaintiff disputed. The parties subsequently reached a settlement.

Nature Of Injury: Injuries to knee and spine.

Expert Witnesses: n/a

Settlement: ***$10,000 on Nov. 19, 2019***.

Editor's Note: Defendant was 55 years old at the time of settlement. Satisfaction of judgment was entered on Nov. 19, 2019. ■

(9) CODY R. WILBANKS vs. BAMA AUTO AUCTION, LLC (Circuit Court of DeKalb County, Alabama)

County/Docket #/Judge: DeKalb / CV-2017-900292 / Andrew J. Hairston

Plaintiff(s) Attorney(s): Rodney A. Hines, Birmingham, AL; Elizabeth O. Williams, Rainsville, AL

Defendant(s) Attorney(s): Lonnie D. Wainwright, Jr., of Wainwright, Pope, et al., P.C., Birmingham, AL

Age/Sex/Occupation Of Plaintiff: 33 / M / n/a

Cause Of Injury: ***Worker's Compensation/Foot Injury/Alleged Preexisting Health Condition***. On Oct. 31, 2017, plaintiff Cody R. Wilbanks filed a worker's compensation action against his employer, defendant Bama Auto Auction, LLC. Plaintiff alleged that he injured his left foot on Nov. 7, 2015, while working for defendant. Plaintiff claimed that he was permanently disabled as a result of the accident.

Defendant disputed plaintiff's claims and asserted that his alleged injury was the result of a preexisting health condition not related to his employment and not aggravated by his employment. The parties subsequently agreed to a lump sum settlement. They agreed that plaintiff earned $9 per hour at the time of the alleged injury.

Nature Of Injury: Injury to left foot.

Expert Witnesses: n/a

Settlement: ***$7,000 on Oct. 30, 2019***.

Editor's Note: Satisfaction of judgment was entered on Oct. 30, 2019. ■

ETOWAH COUNTY

(10) BRIAN RAGLAND vs. GOODYEAR TIRE & RUBBER CO. (Circuit Court of Etowah County, Alabama)

County/Docket #/Judge: Etowah / CV-2019-900953 / William G. Ogletree

Plaintiff(s) Attorney(s): Donald R. Rhea of Rhea, Boyd, et al., Gadsden, AL

Defendant(s) Attorney(s): Donald B. Kirkpatrick, II, and Chase S. Eley of Carr Allison, Birmingham, AL

Age/Sex/Occupation Of Plaintiff: 48 / M / Enhanced Tire Reinspector

Cause Of Injury: ***Worker's Compensation/Shoulder Injury/Successive Injuries***. Plaintiff Brian Ragland filed a worker's compensation action on Dec. 10, 2019, alleging that he injured his left shoulder on Jan. 18, 2017, while working for defendant Goodyear Tire & Rubber Co. According to plaintiff, after receiving some conservative treatment and therapy, he was released to return to work performing the full scope of his job as an enhanced tire reinspector. Plaintiff returned to work, but claimed that the physical nature of his job, which required significant rotation and manipulation of his left shoulder, caused him to experience an increasing degree of symptoms that then worsened after he pulled on a tire on May 17, 2019, with tightness in the shoulder and tingling in his left finger. Plaintiff alleged that his physician recommended surgery but that defendant refused to authorize it.

In reaching a settlement, the parties agreed that plaintiff reached maximum medical improvement on Jan. 25, 2021, and received a 1% impairment rating to the body as a whole. His average weekly wage at the time of injury was approximately $865.

Nature Of Injury: Injury to left shoulder.

Expert Witnesses: n/a

Settlement: ***$44,516.49 on Oct. 4, 2021***.

Editor's Note: Satisfaction of judgment was entered on Oct. 4, 2021. ■

(11) DIANA B. SMITH vs. THE GOODYEAR TIRE & RUBBER COMPANY (Circuit Court of Etowah County, Alabama)

County/Docket #/Judge: Etowah / CV-2018-900490 / Cody D. Robinson

Plaintiff(s) Attorney(s): Ted L. Mann and Steven Cole of Mann & Potter, P.C., Birmingham, AL

Defendant(s) Attorney(s): Donald B. Kirkpatrick, II, and Chase S. Eley of Carr Allison, Birmingham, AL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Worker's Compensation/Arm and Shoulder Injuries/Pulling Overlay Off Machine***. Plaintiff Diana B. Smith filed a worker's compensation action on May 8, 2020, against her employer, defendant The Goodyear Tire & Rubber Company. Plaintiff claimed that she was working for defendant on March 30, 2018, when she injured her right arm, right shoulder, and body as a whole while pulling overlay off a machine to put on the trucks. Plaintiff underwent surgery for her shoulder injury. She alleged that she was permanently disabled as a result of her injuries.

In reaching a settlement, the parties agreed that plaintiff reached maximum medical improvement on Dec. 12, 2018, and received a 2% impairment rating to the body as a whole. Her average weekly wage at the time of injury was approximately $1,257.89.

Nature Of Injury: Injuries to right arm and shoulder.

Expert Witnesses: n/a

Settlement: ***$130,000 on Oct. 14, 2020***.

Editor's Note: $5,000 of the settlement amount was allocated to future medical benefits. ■

(12) LOLITHEA M. YOUNG vs. US HEALTH CARE, LLC (Circuit Court of Etowah County, Alabama)

County/Docket #/Judge: Etowah / CV-2019-900475 / Sonny J. Steen

Plaintiff(s) Attorney(s): Darold A. Mathews of Shunnarah Injury Lawyers, P.C., Birmingham, AL

Defendant(s) Attorney(s): Lonnie D. Wainwright, Jr., of Wainwright, Pope, et al., P.C., Birmingham, AL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Worker's Compensation/Back Injury From Moving Resident/Permanent Partial Disability***. Plaintiff Lolithea M. Young filed a worker's compensation complaint on June 10, 2019, against her employer, defendant US Health Care, LLC. Plaintiff alleged that she injured her lower back on June 15, 2017, while moving a resident at defendant's facility located at 1945 Davis Drive in Gadsden, AL. Plaintiff claimed that her injury resulted in a permanent partial disability. She alleged that her average weekly wage at the time of injury was approximately $202.58.

Plaintiff reached maximum medical improvement on Sept. 29, 2017, and received a 5% permanent partial disability rating to the body as a whole. The parties agreed to settle the matter.

Nature Of Injury: Injury to lower back.

Expert Witnesses: n/a

Settlement: ***$10,000 on Sept. 15, 2020***.

Editor's Note: Plaintiff was 45 years old at the time of settlement. Satisfaction of judgment was entered on Sept. 15, 2020. ■

HOUSTON COUNTY

(13) NATOSHA HOGANS, as Mother and Next Friend of S.J.W., a Minor, vs. LIBERATO D. LUPO and WTI TRANSPORT, INC. (Circuit Court of Houston County, Alabama)

County/Docket #/Judge: Houston / CV-2021-900432 / John Steensland, III

Plaintiff(s) Attorney(s): Steadman S. Shealy, Jr., of Shealy, Pike, et al., Dothan, AL

Defendant(s) Attorney(s): James W. Killion of Killion & Associates, P.C., Mobile, AL

Age/Sex/Occupation Of Plaintiff: 16 / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision/Injury to Minor***. Plaintiffs Natosha Hogans and S.J.W., her minor child, alleged that S.J.W. sustained serious injuries, including whiplash, on July 18, 2020, when a motor vehicle in which she was a backseat passenger was rear-ended by a tractor trailer being operated by defendant Liberato D. Lupo at a red light at the intersection of U.S. Highway 231 and John H. Witherington Road in Troy, AL. The tractor trailer was owned by defendant WTI Transport, Inc. In a complaint filed on Oct. 27, 2021, plaintiffs claimed that the collision was caused by Lupo's negligence.

Nature Of Injury: Personal injuries including whiplash.

Expert Witnesses: n/a

Settlement: ***$20,000 on Nov. 18, 2021***.

Editor's Note: Warren Cobb was appointed guardian ad litem for S.J.W. and received a fee of $750. Satisfaction of judgment was entered on Nov. 18, 2021. ■

(14) HOWARD EDWARD NEWSOME, JR. vs. WAYNE FARMS, LLC (Circuit Court of Houston County, Alabama)

County/Docket #/Judge: Houston / CV-2018-900702 / Kevin Moulton

Plaintiff(s) Attorney(s): Sam Ingram of Carpenter, Ingram, et al., Montgomery, AL

Defendant(s) Attorney(s): Steadman S. Shealy, Jr., of Shealy, Pike, et al., Dothan, AL

Age/Sex/Occupation Of Plaintiff: n/a / M / Laborer

Cause Of Injury: ***Worker's Compensation/Neck, Back, and Knee Injuries/Successive Injuries***. On Nov. 1, 2018, plaintiff Howard Edward Newsome, Jr., filed a worker's compensation action against his employer, defendant Wayne Farms, LLC. Plaintiff alleged that he injured his neck, back, and knee when he slipped and fell while working in defendant's plant in Nov. 2016. Plaintiff alleged that he also injured his neck and back on two other occasions while working for defendant: on Oct. 3, 2017, when he slipped and fell in a cooler, and on Oct. 9, 2017, when he slipped and fell on a piece of chicken. Plaintiff claimed that his injuries resulted in a permanent partial disability.

Defendant denied plaintiff's allegations, including that he suffered a permanent disability, but agreed to settle his claim.

Nature Of Injury: Injuries to neck, back, and knee.

Expert Witnesses: n/a

Settlement: ***$7,500 on Oct. 7, 2020***.

Editor's Note: Satisfaction of judgment was entered on Oct. 8, 2020. ■

JEFFERSON COUNTY

(15) NANCY BOHANNON and FRANKLIN BOHANNON vs. MARION KENN MORGAN JR. and PROPERTY AND CASUALTY INSURANCE COMPANY OF HARTFORD (Circuit Court of Jefferson County, Alabama)

County/Docket #/Judge: Jefferson / CV-2020-901458 / Jim Hughey, III

Plaintiff(s) Attorney(s): Maridi Huggins of Maridi Huggins Law, LLC, Birmingham, AL

Defendant(s) Attorney(s): J. Bernard Brannan, III, and Jonathan Bain Metz of Gaines, Gault, et al., P.C., Birmingham, AL, for Marion Kenn Morgan, Jr.

Age/Sex/Occupation Of Plaintiff: Nancy Bohannon: n/a / F / n/a; Franklin Bohannon: n/a / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Collision at Restaurant Drive-Thru/Underinsured Motorist***. Plaintiffs Nancy and Franklin Bohannon, a married couple, claimed that on Sept. 21, 2019, defendant Marion Kenn Morgan, Jr., caused a motor vehicle he was operating to collide with a motor vehicle being operated by Nancy Bohannon at the drive-thru of a Dairy Queen restaurant located off the Liberty Park exit of Interstate 459 in Jefferson County, AL. Plaintiffs alleged that Nancy Bohannon suffered permanent injuries as result of Morgan's negligence and wantonness and that Morgan was an underinsured motorist at the time of the collision.

In a complaint filed on April 18, 2020, Nancy Bohannon asserted negligence and wantonness claims against Morgan, and Franklin Bohannon asserted a loss of consortium claim against Morgan. Plaintiffs also asserted an underinsured motorist coverage claim against defendant Property and Casualty Insurance Company of Hartford ("Hartford"), their uninsured/underinsured motorist carrier. Hartford opted out of the proceedings and subsequently reached a settlement with plaintiffs in the amount of $91,500. The case went to trial against Morgan.

Nature Of Injury: Personal injuries.

Expert Witnesses: n/a

Verdict: ***$45,000 for Plaintiff Nancy Bohannon on Oct. 27, 2021*** *(negligence claim)*.

Judgment: $45,000 for Plaintiff Nancy Bohannon on Oct. 27, 2021.

Editor's Note: Morgan moved for judgment as a matter of law on Nancy Bohannon's wantonness claim at the close of plaintiffs' case. The court granted the motion and dismissed the claim. At the close of all the evidence, plaintiffs and Morgan each moved for judgment as a matter of law on Nancy Bohannon's negligence claim and Franklin Bohannon's loss of consortium claim. The court granted Nancy Bohannon's motion on her negligence claim but denied the motions of Franklin Bohannon and Morgan. The jury found for Morgan on the loss of consortium claim.

The judgment ordered Morgan's insurance carrier, State Farm Mutual Automobile Insurance Company, to pay $45,000 to reimburse Hartford. Once that amount was paid, Hartford would have no further subrogation rights against State Farm, Morgan, or anyone else in the case. The costs of Nancy Bohannon's claim were taxed to State Farm in the amount of $3,554.39, and, once paid, the judgment would be deemed satisfied in full. ■

(16) JULIA WILLIAMS COTTON and A.C. vs. JENA WILLIAMS (Circuit Court of Jefferson County, Alabama)

County/Docket #/Judge: Jefferson / CV-2018-902760 / Marshell Jackson Hatcher

Plaintiff(s) Attorney(s): Dan S. Crane of Dan Crane Injury Law, P.C., Birmingham, AL

Defendant(s) Attorney(s): Steven R. Colclough of Varner & Associates, Birmingham, AL

Age/Sex/Occupation Of Plaintiff: A.C.: 4 / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/ Failure to Stop at Red Light/Injury to Minor***. Plaintiffs Julia Williams Cotton and A.C., her minor child, alleged that on July 13, 2016, a motor vehicle being operated by defendant Jena Williams ran a red light at the intersection of Bessemer Road and Avenue V in Birmingham, AL, and struck the right back side of a motor vehicle being operated by Cotton in which A.C. was a passenger. In a complaint filed on July 12, 2018, plaintiffs claimed that the collision was caused by defendant's negligence and wantonness. Plaintiffs alleged that A.C. suffered permanent injuries in the collision, including injuries to her shoulder and knee.

Defendant denied plaintiffs' allegations but agreed to settle A.C.'s claims.

Nature Of Injury: Personal injuries including shoulder and knee injuries.

Expert Witnesses: n/a

Settlement: ***$4,500 on April 24, 2020***.

Editor's Note: Jackie Russell was appointed guardian ad litem for A.C. and received a fee of $2,200. Satisfaction of judgment was entered on July 14, 2020. ■

(17) MICHAEL ECHOLS vs. THE HOME DEPOT, INC. (Circuit Court of Jefferson County, Alabama)

County/Docket #/Judge: Jefferson / CV-2018-903729 / Brendette Brown Green

Plaintiff(s) Attorney(s): William H. Hassinger of Wettermark & Keith, LLC, Birmingham, AL

Defendant(s) Attorney(s): Todd N. Hamilton and Jennifer W. Pickett of Smith, Spires, et al., P.C., Birmingham, AL

Age/Sex/Occupation Of Plaintiff: n/a / M / Laborer

Cause Of Injury: ***Worker's Compensation/Back Injury/Closure of Future Medical Benefits***. On May 15, 2020, plaintiff Michael Echols and his employer, defendant The Home Depot, Inc., settled his worker's compensation claim arising from a June 18, 2018, work-related accident for $165,000. Plaintiff alleged that he had strained his back while pulling lumber off a shelf, resulting in a herniated disc and nerve damage in his lumbar spine. Under the settlement, future medical benefits remained open, with defendant retaining the option of funding a CMS-approved, annuitized, and professionally administered Medicare Set-Aside (MSA). The parties subsequently petitioned for approval of the closure of medical benefits based on the settlement and the approval by CMS for the MSA.

Nature Of Injury: Injury to back.

Expert Witnesses: n/a

Judgment: Joint petition for approval of closure of medical benefits approved on Oct. 18, 2021 (amended order).

Editor's Note: Pursuant to the joint petition, defendant was ordered to pay $73,738 in initial seed money and annual payments of $11,027 to Ametros Financial Corporation, the company administering the MSA, on behalf of plaintiff, beginning on July 15, 2021 and payable 28 years only if plaintiff was living, representing the closure of all claims for medical benefits. The parties agreed that any residuary money left in the MSA at the time of plaintiff's death would revert back to Helmsman Management Services LLC. The case was dismissed with prejudice. ■

(18) LEKEITHA JACKSON; LEKEITHA JACKSON, As Mother And Next Friend of L.H., vs. KIRBY JACKSON CANNON, II; KELLYCO INC.; KELLY LOGISTICS, INC.; G & F TRUCKING, LLC (Circuit Court of Jefferson County, Alabama)

County/Docket #/Judge: Jefferson / CV-2018-900182 / Javan J. Patton

Plaintiff(s) Attorney(s): Stewart Springer, Bruce Romeo, and Steven Mezrano of Mezrano Law Firm, LLC, Homewood, AL

Defendant(s) Attorney(s): J. Bart Cannon and Madison D. Morrison of Huie, Fernambucq, et al., LLP, Birmingham, AL, for Kirby Jackson Cannon, II, KellyCo Inc., and Kelly Logistics, Inc.; G & F Trucking, LLC: *Pro Se*

Age/Sex/Occupation Of Plaintiff: L.H.: Minor / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Collision with Tractor Trailer/Vicarious Liability/Injury to Minor***. Plaintiffs Lekeitha Jackson and L.H., her minor child, alleged that on Jan. 24, 2016, L.H. sustained permanent injuries when a motor vehicle being operated by Jackson in which L.H. was a passenger was involved in a collision with a tractor trailer being operated by defendant Kirby Jackson Cannon, II, after he suddenly changed lanes into Jackson's lane of travel on Interstate 59 South in Jefferson County, AL. Plaintiffs claimed that, at the time of the collision, Cannon was employed by defendants KellyCo Inc., Kelly Logistics, Inc., and G & F Trucking, LLC ("the employer defendants"), that they owned the tractor trailer, and that Cannon was operating the tractor trailer on their behalf.

In a complaint filed on Jan. 13, 2018, plaintiffs alleged that the collision was caused by Cannon's negligence and wantonness because he failed to yield the right of way, failed to keep a proper lookout, failed to stay in his lane of travel, followed too closely, and failed to signal before changing lanes. Plaintiffs further alleged that the employer defendants negligently entrusted the tractor trailer to Cannon and that they were vicariously liable for his actions at the time of the collision.

A default judgment was entered against G & F Trucking on Aug. 20, 2018. Plaintiffs, Cannon, KellyCo, and Kelly Logistics subsequently agreed to settle L.H.'s claims.

Nature Of Injury: Personal injuries.

Expert Witnesses: n/a

Settlement: ***$5,000 on Jan. 7, 2021***. ■

(19) TIESE STROUP vs. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (Circuit Court of Jefferson County, Alabama)

County/Docket #/Judge: Jefferson / CV-2017-904695 / Robert S. Vance

Plaintiff(s) Attorney(s): Robert L. Gorham of Gorham & Associates, LLC, Birmingham, AL; Darren Kies of Kies Law LLC, Birmingham, AL

Defendant(s) Attorney(s): Mark D. Hess and Kevin D. Hon of Hand, Arendall, et al., LLC, Birmingham, AL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/Drunk Driver/Underinsured Motorist***. Plaintiff Tiese Stroup alleged that she sustained injuries on Nov. 11, 2015, when Carl Stevens, Jr., negligently and wantonly operated a motor while under the influence of alcohol and caused a collision with plaintiff's motor vehicle on Green Valley Road in Vestavia Hills, AL. Plaintiff claimed that Stevens, an underinsured motorist, then fled the scene of the accident. Plaintiff filed a complaint on Nov. 7, 2017, and an amended complaint on Jan. 29, 2018, seeking underinsured motorist coverage against defendant State Farm Mutual Automobile Insurance Company, her uninsured/underinsured motorist carrier.

Nature Of Injury: Personal injuries.

Expert Witnesses: n/a

Judgment: For Defendant on Oct. 6, 2021.

Editor's Note: The completed jury verdict form is not listed in the case action summary for the case. However, the judgment states, "In accordance with the jury's verdict of today, and after applying the plaintiff's prior recovery against the tortfeasor as a credit, the following is ordered: JUDGMENT is entered in favor of the defendant on all claims of the plaintiff, who shall have and recover nothing. This is the final order in this action, with costs taxed as paid." ■

(20) JASON WINGETT vs. ALAN AND ALLEN, LLP d/b/a TWISTED ROOT BURGER CO. (Circuit Court of Jefferson County, Alabama)

County/Docket #/Judge: Jefferson / CV-2019-901009 / Robert S. Vance

Plaintiff(s) Attorney(s): Roger K. Fuston of Roger K. Fuston, LLC, Birmingham, AL

Defendant(s) Attorney(s): Donald B. Kirkpatrick, II, and Jared N. Wood of Carr Allison, Birmingham, AL

Age/Sex/Occupation Of Plaintiff: n/a / M / Food Service Employee

Cause Of Injury: ***Worker's Compensation/Leg and Hip Injuries/Trip and Fall in Restaurant Parking Lot***. On March 6, 2019, plaintiff Jason Wingett filed a worker's compensation action against his employer, defendant Alan and Allen, LLP, d/b/a Twisted Root Burger Co. Plaintiff alleged that on Jan. 31, 2019, which was his first evening of working at defendant's restaurant in Vestavia, AL, he was walking to his vehicle after his shift ended when he tripped and fell over a concrete bumper in the parking lot due to the lot's poor lighting conditions. Plaintiff claimed that he suffered injuries to his left leg and left hip in the fall, including a broken left femur that required surgery and hardware placement.

The parties agreed to settle plaintiff's claim. They agreed that plaintiff had reached maximum medical improvement, that no medical impairment rating was assigned, and that his average weekly wage at the time of injury was approximately $320.

Nature Of Injury: Injuries to left leg and hip including broken left femur.

Expert Witnesses: n/a

Settlement: ***$10,000 on Nov. 13, 2020***.

Editor's Note: Future medical benefits remained open. ■

MADISON COUNTY

(21) SHAUN BOLAN; DEANDA BOLAN; W.B., a minor, by and through his mother and next friend, DEANDA BOLAN vs. PROGRESSIVE SPECIALTY INSURANCE COMPANY (Circuit Court of Madison County, Alabama)

County/Docket #/Judge: Madison / CV-2020-900213 / D. Alan Mann

Plaintiff(s) Attorney(s): Robert E. Patterson of Patterson Law Firm, Huntsville, AL

Defendant(s) Attorney(s): James Risner and Albert J. Trousdale, II, of Trousdale Ryan P.C., Florence, AL

Age/Sex/Occupation Of Plaintiff: W.B.: Minor / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/Injury to Minor/Uninsured/Underinsured Motorist***. Plaintiffs Shaun and Deanda Bolan and W.B., their minor child, claimed that W.B. sustained injuries on Nov. 3, 2018, when a motor vehicle being operated by Hugh Wayne Liles, an uninsured/underinsured motorist, suddenly traveled into plaintiffs' lane of travel and collided with their motor vehicle. Plaintiffs alleged that the collision was caused by Liles's negligence and wantonness. On Feb. 7, 2020, plaintiffs filed a complaint for uninsured/underinsured motorist

coverage against defendant Progressive Specialty Insurance Company, their uninsured/underinsured motorist carrier.

Nature Of Injury: Personal injuries.

Expert Witnesses: n/a

Settlement: ***$2,500 on July 17, 2020***.

Editor's Note: Marie Crissone was appointed guardian ad litem for W.B. and received a fee of $400. Satisfaction of judgment was entered on July 17, 2020. ■

(22) KB, MINOR daughter of Crystal Bailey, by and through her mother and next friend, CRYSTAL BAILEY; KB, MINOR son of Crystal Bailey, by and through his mother and next friend CRYSTAL BAILEY; and CRYSTAL BAILEY, Individually, vs. NAMAN SETH; ALFA MUTUAL INSURANCE COMPANY (Circuit Court of Madison County, Alabama)

County/Docket #/Judge: Madison / CV-2020-901728 / Alison S. Austin

Plaintiff(s) Attorney(s): Douglas J. Fees of The Cochran Firm, Huntsville, AL

Defendant(s) Attorney(s): Ellen Melson of The Law Office of Ellen Melson, Huntsville, AL

Age/Sex/Occupation Of Plaintiff: KB: Minor / F / n/a; KB: Minor / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/Driver Distracted by Cell Phone/Injury to Minors***. Plaintiff Crystal Bailey alleged that on July 9, 2020, plaintiffs KB, her minor daughter, and KB, her minor son, sustained permanent injuries when a motor vehicle being operated by defendant Naman Seth collided with a motor vehicle being operated by Bailey in which the minors were passengers at the intersection of State Highway 53 and Harvest Road in rural Madison County, AL. Plaintiffs claimed that Seth was driving while distracted because he was looking at his cell phone. On Dec. 21, 2020, plaintiffs filed a complaint for negligence and wantonness against Seth. Plaintiffs also asserted a claim for uninsured/underinsured motorist coverage against their insurer, defendant Alfa Mutual Insurance Company, which was permitted to opt out.

Nature Of Injury: Personal injuries.

Expert Witnesses: n/a

Settlement: ***$15,000 on Oct. 27, 2021*** *($7,500 – minor daughter KB; $7,500 – minor son KB)*.

Editor's Note: Patrick Hill was appointed guardian ad litem for the minors and received a fee of $400. ■

(23) LATERRICA POPE, Individually, LATERRICA POPE, as Parent and Next Friend of L.W., a minor, vs. LORA L. KING (Circuit Court of Madison County, Alabama)

County/Docket #/Judge: Madison / CV-2020-901156 / D. Alan Mann

Plaintiff(s) Attorney(s): Clint W. Butler of McKinney & Butler, LLC, Huntsville, AL

Defendant(s) Attorney(s): Thomas A. Wheat of Law Office of Celeste P. Armstrong, Birmingham, AL

Age/Sex/Occupation Of Plaintiff: L.W.: 2 / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/Injury to Minor***. Plaintiff Laterrica Pope claimed that her minor child, plaintiff L.W., sustained injuries on May 8, 2019, when a motor vehicle operated by defendant Lora L. King collided with a motor vehicle in which L.W. was a passenger on Clinton Avenue in Huntsville, AL. In a complaint filed against defendant on Aug. 17, 2020, plaintiffs alleged that the collision was caused by defendant's negligence and wantonness.

Nature Of Injury: Personal injuries.

Expert Witnesses: n/a

Settlement: ***$2,000 on Oct. 14, 2021***.

Editor's Note: Marie Crissone was appointed guardian ad litem for L.W. and received a fee of $500. Satisfaction of judgment was entered on Oct. 27, 2021. ■

MOBILE COUNTY

(24) CARYN LAGUIO vs. JIMMY LEE SEALS, JR.; STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (Circuit Court of Mobile County, Alabama)

County/Docket #/Judge: Mobile / CV-2018-900449 / Jill Parrish Phillips and Michael P. Windom

Plaintiff(s) Attorney(s): Miranda Simpson Yancey, Stacy C. Hansen, Ayrn Sedore, and Matthew Alan Seymore of Slocumb Law Firm, LLC, Mobile, AL

Defendant(s) Attorney(s): Walter G. (Stoney) Chavers of Fleming & Chavers LLP, Mobile, AL, for Jimmy Lee Seals, Jr.

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision/Failure to Keep Proper Lookout***. Plaintiff Caryn Laguio alleged that she sustained serious injuries on Oct. 20, 2016, when her motor vehicle was rear-ended by a motor vehicle being operated by defendant Jimmy Lee Seals, Jr., while plaintiff was stopped on Moffett Road in the left turn lane at Norwood Lane in Mobile County, AL. Plaintiff claimed that Seals was an underinsured motorist at the time of the collision. On Feb. 18, 2018, plaintiff filed a complaint for negligence, negligence per se, recklessness, and wantonness against Seals, alleging that he failed to keep a proper lookout and failed to yield the right of way. Plaintiff also asserted a claim for underinsured motorist coverage against her uninsured/underinsured motorist carrier, defendant State Farm Mutual Automobile Insurance Company, which was permitted to opt out on May 10, 2021.

Nature Of Injury: Personal injuries.

Expert Witnesses: n/a

Verdict: ***$2,400 for Plaintiff on Nov. 4, 2021***.

Judgment: $2,400 for Plaintiff on Nov. 4, 2021. ■

(25) M.G., a minor who sues by and through her parent and next friend, James Robert Griffin, vs. QUICK SHOT TRUCKING, INC. and JOSHUA FREDERICK SMITH (Circuit Court of Mobile County, Alabama)

County/Docket #/Judge: Mobile / CV-2020-901901 / James T. Patterson

Plaintiff(s) Attorney(s): Davis L. Middlemas of Morris Bart & Associates, LLC, Birmingham, AL

Defendant(s) Attorney(s): Paul T. Beckmann of Hand, Arendall, et al., LLC, Mobile, AL

Age/Sex/Occupation Of Plaintiff: 4 / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/Injury to Minor***. Plaintiff M.G., a minor, sustained injuries on Aug. 27, 2019, when a motor vehicle she was occupying was involved in a collision with a motor vehicle being operated by defendant Joshua Frederick Smith. Plaintiff claimed that she was entitled to recover damages from Smith and defendant Quick Shot Trucking, Inc., for the negligence that caused the collision and her injuries. On Sept. 11, 2020, the parties filed a joint petition for approval of a pro ami settlement.

Nature Of Injury: Personal injuries.

Expert Witnesses: n/a

Settlement: ***$20,000 on Dec. 15, 2020***.

Editor's Note: John Steven Dugan was appointed guardian ad litem for M.G. and received a fee of $770. Satisfaction of judgment was entered on Jan. 6, 2021. ■

(26) KYLA SMITH vs. KAREN MCWILLIAMS (Circuit Court of Mobile County, Alabama)

County/Docket #/Judge: Mobile / CV-2018-901781 / Jill Parrish Phillips

Plaintiff(s) Attorney(s): Matt Green and Darrin Thompson of The Law Office of Matt Green, LLC, Mobile, AL

Defendant(s) Attorney(s): Joshua B. Beard of Varner & Associates, Birmingham, AL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/Failure to Obey Traffic Signs/Failure to Yield Right of Way***. Plaintiff Kyla Smith claimed that she sustained injuries on Dec. 6, 2017, after being struck by a motor vehicle being operated by defendant Karen McWilliams on Airport Boulevard near the intersection of Hillcrest Drive and Summit Drive in Mobile County, AL. In a complaint filed on July 11, 2018 plaintiff alleged that the collision was caused by defendant's negligent and wanton failure to observe and obey traffic signs, to maintain a proper lookout, to yield the right of way, and to take evasive action to avoid striking plaintiff.

Defendant denied plaintiff's allegations and claimed that plaintiff was herself negligent.

Nature Of Injury: Personal injuries.

Expert Witnesses: n/a

Verdict: ***$5,000 for Plaintiff on Nov. 3, 2021***.

Judgment: $5,000 for Plaintiff on Nov. 3, 2021. ■

MONTGOMERY COUNTY

(27) MARCUS JONES vs. CSC DISTRIBUTION, INC. (Circuit Court of Montgomery County, Alabama)

County/Docket #/Judge: Montgomery / CV-2020-901486 / Brooke E. Reid

Plaintiff(s) Attorney(s): Audra Britton O'Shields of King Simmons, P.C., Birmingham, AL

Defendant(s) Attorney(s): H. Spence Morano of Leak, Douglas, et al., P.C., Birmingham, AL

Age/Sex/Occupation Of Plaintiff: 30 / M / n/a

Cause Of Injury: ***Worker's Compensation/Wrist Injury/Disputed Claim***. On Dec. 11, 2020, plaintiff Marcus Jones filed a worker's compensation action against his former employer, defendant CSC Distribution, Inc. Plaintiff alleged that he injured his right wrist on Jan. 29, 2020, while lifting a box inside defendant's Montgomery, AL, facility.

Defendant disputed plaintiff's claim, but the parties subsequently reached a settlement. They agreed that plaintiff's average weekly wage at the time of injury was $480. The settlement provided that plaintiff had been hired only four weeks prior to his alleged injury and that he was terminated for job abandonment in February 2020 after he refused accommodated employment.

Nature Of Injury: Injury to right wrist.

Expert Witnesses: n/a

Settlement: ***$5,000 on Dec. 15, 2020***.

Editor's Note: In the settlement, plaintiff agreed to never seek reemployment with defendant or any of its affiliates. Satisfaction of judgment was entered on Dec. 15, 2020. ■

ST. CLAIR COUNTY

(28) C.C.P., by and through his Father, Custodian, and Next Friend, ROBERT CHRISTOPHER POPHAM vs. OASIS HEALTH (Circuit Court of St. Clair County, Alabama)

County/Docket #/Judge: St. Clair / CV-2020-900080 / Billy R. Weathington, Jr.

Plaintiff(s) Attorney(s): Edward J. Berry of Servant Law Group, LLC, Oneonta, AL

Defendant(s) Attorney(s): Elton H. Darby, III, and E. Bryan Paul of Clark, May, et al., Birmingham, AL

Age/Sex/Occupation Of Plaintiff: 16 / M / n/a; Kayla Mashburn Baker (decedent): n/a / F / n/a

Cause Of Injury: ***Worker's Compensation/Deceased Employee/Death Benefits***. On April 8, 2020, plaintiff C.C.P., the minor child of Kayla Mashburn Baker ("the decedent"), filed an amended worker's compensation complaint against defendant Oasis Health, the decedent's employer, seeking the payment of death benefits. The decedent was killed in a motor vehicle collision on Aug. 7, 2019, while in the course of her employment with defendant. The decedent's average weekly wage at the time of her death was $1,009.61.

The parties agreed to settle the matter.

Nature Of Injury: Death.

Expert Witnesses: n/a

Settlement: ***$54,000 on April 9, 2020***.

Editor's Note: Joel Watson was appointed guardian ad litem for C.C.P. and received a fee of $1,250. ■

(29) AARON S. DAVIS, TERESA M. DAVIS, and K.D., a minor, by and through his parents and next friends, AARON S. DAVIS and TERESA M. DAVIS, vs. EXIE L. WILLIFORD and PROGRESSIVE SPECIALTY INSURANCE COMPANY (Circuit Court of St. Clair County, Alabama)

County/Docket #/Judge: St. Clair / CV-2019-900139 / Billy R. Weathington, Jr.

Plaintiff(s) Attorney(s): Tammy Smith of Wettermark & Keith, LLC, Birmingham, AL

Defendant(s) Attorney(s): Joshua Brent Beard of Varner & Associates, Birmingham, AL, for Exie L. Williford; Paul A. Miller and Garrett C. Miller of Miller, Christie, et al., P.C., Birmingham, AL, for Progressive Specialty Insurance Company

Age/Sex/Occupation Of Plaintiff: K.D.: 1 / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/Injury to Minor/Underinsured Motorist***. Plaintiffs Aaron S. Davis, Teresa M. Davis, and K.D., their minor child, alleged that K.D. sustained severe and permanent injuries on May 3, 2017, when defendant Exie L. Williford negligently

and wantonly operated a motor vehicle on Martin Street North in Pell City, AL, and collided with a motor vehicle being operated by Teresa Davis that was occupied by Aaron Davis and K.D. Plaintiffs claimed that Williford was an underinsured motorist at the time of the collision. On May 2, 2019, plaintiffs filed a complaint for negligence and wantonness against Williford and for underinsured motorist coverage against defendant Progressive Specialty Insurance Company, their uninsured/underinsured motorist carrier.

The parties agreed to settle K.D.'s claims.

Nature Of Injury: Personal injuries.

Expert Witnesses: n/a

Settlement: ***$3,800 on June 15, 2021*** *($2,800 from Williford; $1,000 from Progressive)*.

Editor's Note: Joel Watson was appointed guardian ad litem for K.D. and received a fee of $1,250, to be paid equally by defendants. ■

WILCOX COUNTY

(30) DARRELL TOWNS, Personal Representative and Administrator of the Estate of Colvin Towns, Sr., Deceased, vs. CAMDEN NURSING FACILITY, INC.; RICHARD J. BROCKMAN; HUBERT E. STEWART
(Circuit Court of Wilcox County, Alabama)

County/Docket #/Judge: Wilcox / CV-2018-900057 / Donald L. McMillan, Jr.

Plaintiff(s) Attorney(s): J. Ryan Kral and Gavin F. King of Beasley, Allen, et al., P.C., Montgomery, AL; William M. Pompey of Pompey & Pompey, P.C., Camden, AL; Raymond J. Hawthorne, Jr., of The Cleveland Firm, LLC, Montgomery, AL

Defendant(s) Attorney(s): Angela Cameron Smith and Lindsey A. Phillips of Burr & Forman LLP, Birmingham, AL

Age/Sex/Occupation Of Plaintiff: Colvin Towns, Sr. (decedent): n/a / M / n/a

Cause Of Injury: ***Wrongful Death/Medical Malpractice/Failure to Provide Adequate Care to Nursing Home Resident***. On July 9, 2018, plaintiff Darrell Towns, as Personal Representative and Administrator of the Estate of Colvin Towns, Sr. ("the decedent"), filed a wrongful death action against defendant Camden Nursing Facility, Inc., and its alleged owners, defendants Richard J. Brockman and Hubert E. Stewart. The decedent was admitted to defendants' long-term skilled nursing and rehabilitative care facility on April 9, 2008. Plaintiff alleged that during the decedent's time there, the facility was either understaffed or had unqualified staff who failed to adequately monitor, assess, evaluate, plan, and implement resident care plans and failed to adequately respond to and provide care for the decedent's needs related to his medical status and conditions, which included: congestive heart failure; cognitive loss, dementia, or confusion; bladder and bowel problems; risk for falls; diabetes; and infection. According to plaintiff, those breaches of the standard of care by defendants resulted in the decedent's death on Sept. 8, 2016, of acute respiratory failure, septic shock, nursing home acquired pneumonia, and pleural effusion.

The decedent also had an advance directive refusing intubation and the use of respirators or ventilators in the event his condition was deemed terminal, incurable, and irreversible. Plaintiff alleged that defendants breached their duty to comply with the requirements of the advance directive by failing to inform Baptist Medical Center South in Montgomery, AL, of the advance directive when the decedent was sent there on Aug. 31, 2016, for various health complaints, including high heart rate and low oxygen saturation. As a result, plaintiff claimed, the decedent was intubated and placed on a respirator at the hospital contrary to his advanced directive. Plaintiff sought punitive damages from defendants.

Defendants denied plaintiff's allegations.

Nature Of Injury: Death.

Expert Witnesses:

Plaintiff's:
n/a

Defendant's:
Cora Young McCall, BSN, RN, Long Term Care, Birmingham, AL
Alan Goldstein, M.D., Pulmonology, Birmingham, AL

Verdict: ***$250,000 for Plaintiff on Sept. 30, 2021*** *(punitive damages)*.

Editor's Note: The verdict was against Camden Nursing Facility. Pursuant to a joint stipulation of dismissal, which was filed on Oct. 8, 2021, the parties stipulated to the dismissal with prejudice of Brockman and Stewart, prior to the entry of the judgment rendered by the jury. An order granting the joint stipulation of dismissal was entered on Oct. 11, 2021. ■

INFORMATION SHEET
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Name Of Case: _____

_____

Docket No: _____ **Judge:** _____

Plaintiff(s) Attorney(s) (full names, firm and city): _____

_____

Defendant(s) Attorney(s) (full names, firm and city): _____

_____

Age/Sex/Occupation Of Plaintiff (or injured party): _____

Cause Of Injury (please specify facts and causes of action): _____

_____

_____

_____

_____

Nature Of Injury (include expert witness testimony): _____

_____

_____

Expert Witnesses (include full name, degree, specialty and city): _____

For The Plaintiff:

_____

_____

For The Defendant:

_____

_____

Amount Of Verdict/Settlement (give breakdown for each Defendant to each Plaintiff; if reduced by comparative negligence, state the percentages):

_____

_____

_____

Check Appropriate Box: ❑ Verdict ❑ Settlement

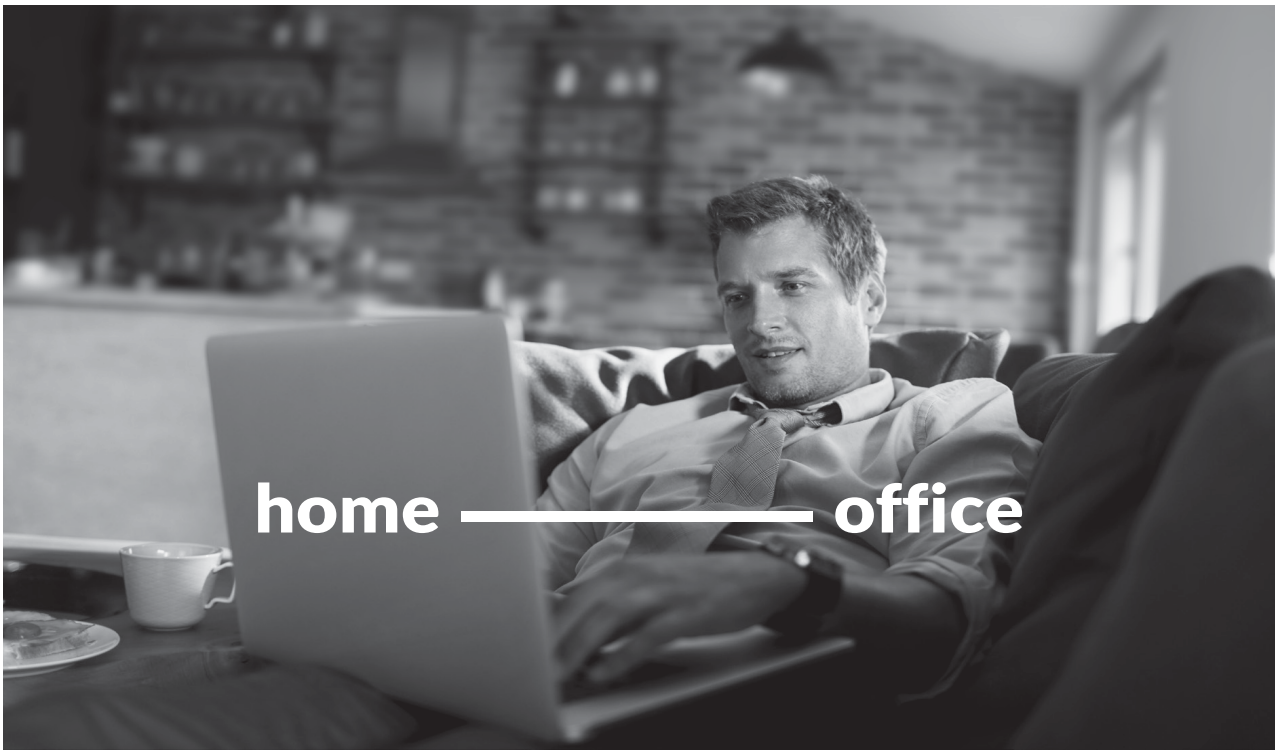
Date Of Verdict/Settlement: _____

Judgment: _____

Additur/Remittitur: _____

Attorney's Comments: _____

_____



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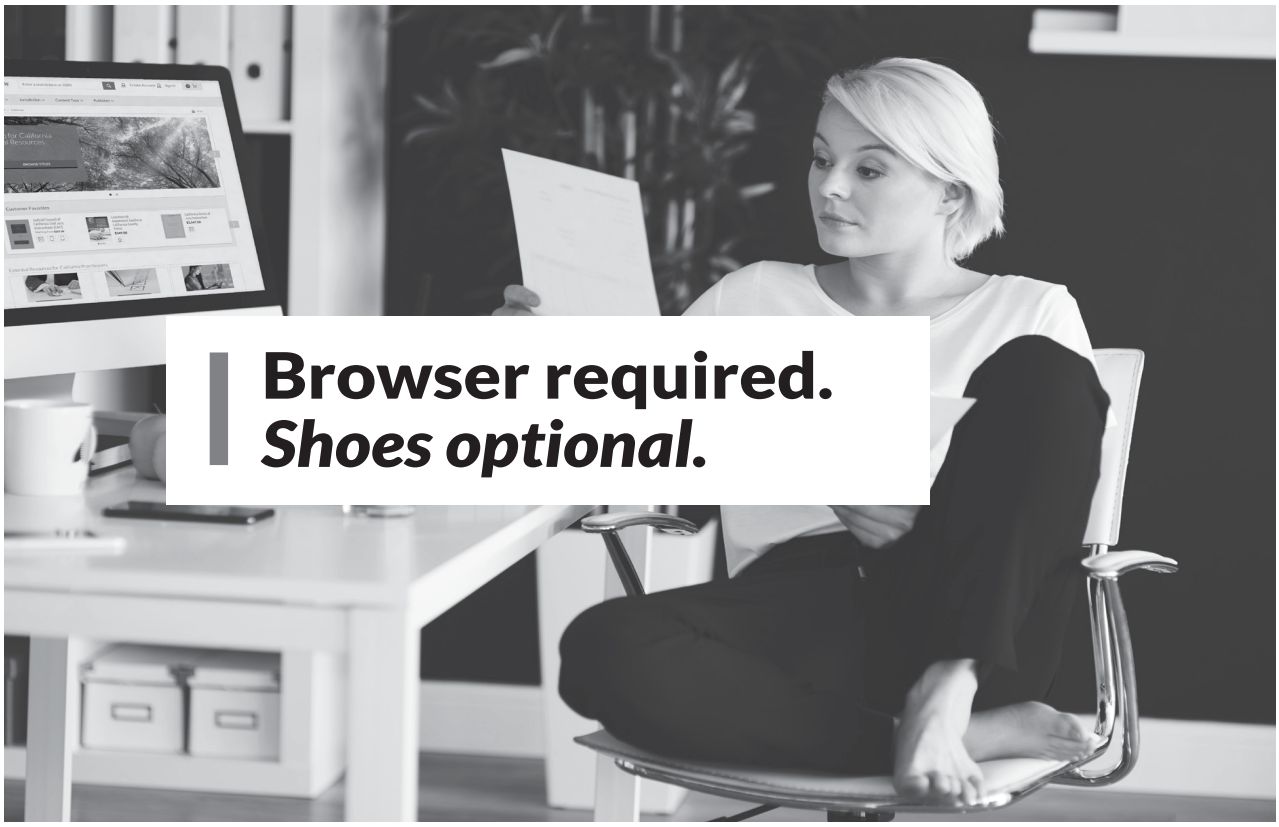

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