

The Alabama Jury Verdict Reporter

The Most Current and Complete Summary of Alabama Jury Verdicts

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Statewide Jury Verdict Coverage - Published Monthly

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Alabama's Jury Verdict Reporter Since 2001

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Civil Jury Verdicts

Complete and timely coverage of civil jury verdicts in Alabama including circuit, presiding judge, parties, case number, attorneys and results.

Restaurant Negligence - A restaurant customer swallowed a glass shard in his chicken pot pie; the shard pierced his small intestine and required surgery to remove it

Farroll v. O'Charley's, 14-900900
Plaintiff: C. Randall Caldwell, Jr. and Deepti Asthana, *Caldwell Wenzel & Asthana, P.C.*, Foley
Defense: Clifford C. Brady and Craig D. Martin, *Brady Radcliff & Brown, LLP.*, Mobile

Verdict: \$1,600,000 for plaintiffs (comprised of \$1,500,000 for Robert and \$100,000 for Cathy)

Circuit: **Mobile**, 2-22-17

Judge: Ben H. Brooks

Shortly after noon on 2-9-14, Robert and Cathy Farroll of Escambia County, Florida were enjoying lunch with relatives in an O'Charley's Restaurant and Bar on Schillinger Road in Mobile. Robert had ordered the chicken pot pie.

After he swallowed a mouthful of pot pie, Robert felt a sharp catch at the back of his throat on the left-hand side. The object then slid down his throat. Robert drank a bit of water and did not finish his meal. His family asked what had happened, and Robert explained he had felt something sharp in his throat. Given what he was eating, he hypothesized he had swallowed a bit of chicken bone.

Over the next few days, Robert experienced abdominal problems that worsened. Two days after his meal at O'Charley's, he felt a little nausea in the evening that he dismissed as the possible onset of a stomach bug that was going around at work. The next day, he had dinner with his daughter, an assistant for a



C. Randall Caldwell, Jr. for the plaintiff

Tennessee women's college basketball team who was visiting Florida, but found he did not want to eat all of his meal.

As Robert's abdominal distress slowly worsened his wife Cathy, who was a nurse at Sacred Heart Hospital in Pensacola, suggested that he go to the ER there. Robert at first resisted Cathy's suggestion, but he agreed to go to the ER on Friday morning after having a restless night and experiencing pain when he pressed on his abdomen and then released it.

At the ER, a physician ordered a CT scan of Robert's abdomen. When it revealed a foreign object in Robert's bowel, surgery was promptly performed on the same day, 2-14-14.

The object, once removed, turned out to be a small piece of soda lime glass that had a faint pink or purple coloration and appeared to have come from a molded glass object with a diameter of approximately 8.25 inches. The glass had perforated Robert's small intestine, allowing a small amount of bowel fluid to leak into his abdomen. A portion of his

Automobile Insurance Company, as a co-defendant.

State Farm initially opted out of the case. However, the insurer later re-entered the case and defended the UIM claim after Jackson settled with Jacobs.

At trial before a Birmingham jury, Jackson claimed \$11,100 in lost income. Her supervisor testified about the time she missed from work and the physical limitations he had noticed after her neck surgery. Her physician's deposition, in which he related both the aggravation to Jackson's back and the new injury to her neck, was read to the jury.

After deliberating about an hour and a half, the jury returned a verdict in favor of Jackson in the amount of \$445,000. The court initially entered a consistent judgment.

State Farm filed a motion requesting the court to amend its judgment, noting that Jacobs's policy limits had been \$100,000 and that Jackson's UIM coverage consisted only of two policies with \$25,000 limits each. It sought an amended judgment of \$50,000.

Jackson objected to this change, suggesting that a proper judgment should be \$345,000, or the amount of the jury's verdict minus Jacobs' policy limits. In the alternative, Jackson sought a \$50,000 judgment plus the opportunity to amend her complaint to add a bad faith claim she might pursue against State Farm. The court entered an amended judgment for \$50,000 and found it lacked jurisdiction to allow Jackson to amend her complaint.

Auto Negligence - Plaintiff claimed to have been injured in a crash in Madison County; defendant denied fault and minimized the claimed damages

Burman v. Stallings, 15-902071

Plaintiff: Shannon Moore, *Moore & Gentle, Attorneys at Law, LLC.*, Huntsville

Defense: Joseph L. Cowan, *Hand Arendall, LLC.*, Birmingham

Verdict: Defense verdict

Circuit: **Madison**, 11-28-16

Judge: Donna S. Pate

On 7-13-14, Lee Ann Burman was in a motor vehicle on California Street in Madison County. At the same time, Alexander Stallings was driving another vehicle in the same area. An instant later, the two vehicles collided.

Burman suffered injuries in the crash. The record does not describe the nature of her injuries, but her health insurer paid \$1,307 on her behalf.

Burman filed suit against Stallings and blamed him for causing the crash. Her theories included negligence and wantonness. Stallings defended the case and minimized Burman's claimed damages.

The case was tried in Huntsville. The jury returned a verdict for Stallings, and the court entered a defense judgment. The case is now closed.

Auto Negligence - A minor claimed she was injured in a motor vehicle crash in Mobile County; the jury found for the defense

Robinson v. Hollis, 15-900589

Plaintiff: Charles E. Davis, *Greene & Phillips, Attorneys at Law, LLC.*, Mobile

Defense: Walter G. "Stoney"

Chavers, *Fleming & Chavers, LLP.*, Mobile

Verdict: Defense verdict

Circuit: **Mobile**, 2-7-17

Judge: Michael A. Youngpeter

On 4-13-14, Mariah Robinson was a minor in a motor vehicle on Coley Drive near its intersection with Runnels Road in Mobile County. For reasons not explained in the record, a second vehicle driven by Caralyan Hollis struck Robinson's vehicle.

Robinson claimed she suffered injuries in the crash. The record does not reveal the nature of her injuries or the amount of her medical expenses.

Through her parents, Robinson filed suit against Hollis and blamed her for causing the crash. Robinson's theories included negligence and wantonness. Hollis defended the case and minimized Robinson's claimed damages.

The case was tried in Mobile. The jury returned a verdict for Hollis, and the court entered a defense judgment.

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