

# Federal Jury Verdict Reporter

The Most Current and Complete Summary of Federal Jury Verdicts

November 2006

Nationwide Federal Jury Verdict Coverage

2 FedJVR 11

## Notable Verdicts in The November 2006 Issue

**Auto Negligence - IN (Hammond)** - The son of Louis Farrakhan crashed into the plaintiff on the interstate and fled the scene – there was evidence of drug use - \$814,398 p. 10

**Basketball Attack - MI (Detroit)** - A fan at an NBA basketball game was struck by a player on the court - the player defended that he attacked in self-defense - Zero p. 12

**Dodgeball Negligence - TX (Marshall)** - During a recreational dodgeball game, the plaintiff was injured not by a ball, but rather a player who crossed the centerline - \$50,724 p. 17

**Employment Retaliation - GA (Brunswick)** - The plaintiff suffered retaliation after giving testimony against his employee in another lawsuit - \$2,306,814 p. 7

**EMTALA - AL (Dothan)** - A pregnant woman was turned away from the ER after a car wreck - \$2,000 p. 4

**Pharmacy Negligence - FL (Fort Lauderdale)** - A woman was given the wrong prescription, receiving a powerful anti-psychotic drug that resulted in brain damage - Zero p. 8

**Premises Liability - FL (Tampa)** - Walking at Busch Gardens, the plaintiff tripped on the sidewalk - Zero p. 8

**Products Liability - CA (Los Angeles)** - The plaintiff died after being repeatedly shocked with a TASER - Zero p. 6

**Products Liability - OH (Dayton)** - A toddler was asphyxiated when he became stuck in a trampoline - Zero p. 14

**Security Guard Negligence - PA (Harrisburg)** - While climbing stairs, a security guard dropped his walkie-talkie and it struck the plaintiff in the head - \$140,000 p. 15

**Sexual Abuse - WA (Seattle)** - As a boy thirty years ago, the plaintiff was abused by a Mormon priest - \$1,400,000 p. 18

**Train Negligence - WY (Cheyenne)** - The plaintiff was killed in a collision with a train at a private crossing - \$2,000,000 p. 19

## Verdict of the Month

**Sexual Harassment/Retaliation - The editor of The Source, a leading magazine covering hip-hop music, alleged she was sexually harassed and suffered retaliation when she complained**

*Osorio v. The Source et al*, 1:05-10029

**Plaintiff:** Kenneth P. Thompson, *Thompson Wigdor & Gilly*, New York, NY

**Defense:** Mercedes Colvin, *Gordon & Rees*, New York, NY for the Source  
Scott T. Baken, *Jackson Lewis*, White Plains, NY for individual defendants

**Verdict:** \$15,500,000 for plaintiff

**Court:** New York Southern - Manhattan

**Judge:** Jed S. Rakoff

**Date:** 10-23-06

*See Page 14*

## Federal Jury Verdict Reporter November 2006 Table of Contents

### Age Discrimination

*Buss v. Titan* - Iowa Southern - Zero p. 10

*Connolly v. Mills Corporation* - VA Eastern - Zero p. 18

### Automatic Door Negligence

*Lovitt v. Wal-Mart* - MS Northern - Zero p. 12

### Auto Negligence

*Bracy v. Kennedy* - Arkansas Eastern - \$26,000 p. 5

*Peterson v. Farrakhan* - IN Northern - \$814,398 p. 10

### Basketball Attack

*Haddad v. IN Pacers* - MI (Detroit) - Zero p. 12

### Civil Rights

*Higgins v. City of Bayou LaBatre* - AL Southern - \$700 p. 4

*Boyd v. DOC* - AL Northern - Zero p. 4

*McKinon v. Sarasota Police* - FL Middle - \$151,675 p. 7

*Baker v. Cleveland Police* - TN Chattanooga - Zero p. 16

### Disability Discrimination

*Benaugh v. Ohio Civil Rights Commission* - OH Southern - \$68,309 p. 14

*Pinkerton v. Dept of Education* - TX Northern - Zero p. 17

### Dodgeball Negligence

*Dyrcz v. Longview* - TX Eastern - \$50,724 p. 17

### Employment Retaliation

*Odum v. Rayonier* - GA Southern - \$2,306,814 p. 7

*Patillo v. USPS* - MI Eastern - Zero p. 12

*Scales v. Nashville Police* - TN Middle - Zero p. 16

*Simmons v. TX Water Board* - TX Western - Zero p. 17

*Saxiones v. USPS* - TX Northern - Zero p. 17

### EMTALA

*Henderson v. MCE* - AL Middle - \$2,000 p. 4

### FELA

*Fox v. CSX* - WV Southern - Zero p. 19

### Gender Discrimination

*Farrell v. King Grocery* - NY Eastern - Zero p. 13

### Malicious Prosecution

*Saupe v. Home Depot* - Colorado - Zero p. 7

### Medical Negligence

*Koppenhaver v. Maitland* - MA Boston - Zero p. 11

### National Origin Discrimination

*Jean v. U.S. Food* - FL Southern - Zero p. 8

*Wilhelm v. Calumet City* - IL Northern - Zero p. 9

*Televandos v. Vacation Charter* - PA Middle - \$146,345 p. 15

*Shivashanker v. Methodist Health* - TN Western - Zero p. 16

### Pharmacy Negligence

*Meyerson v. Walgreen* - FL Southern - Zero p. 8

### Premises Liability

*Reep v. Busch Gardens* - FL Middle - Zero p. 8

*Gossett v. Wal-Mart* - LA Eastern - \$485,000 p. 11

*Hopkins v. Ryan's Steakhouse* - MO Western - Zero p. 12

*White v. Holiday Inn* - New Jersey - Zero p. 13

### Products Liability

*Alvarado v. TASER* - CA Central - Zero p. 6

*Chatterton v. Jumpking* - OH Southern - Zero p. 14

### Race Discrimination

*Batiste-David v. Lincare* - AR Little Rock - Zero p. 6

*Dix v. UPS* - FL Southern - Zero p. 8

*Williams v. Asplundh* - FL Middle - Zero p. 9

*Scotton v. VA* - FL Middle - \$511,900 p. 9

*Delaney v. Wal-Mart* - MS Northern - Zero p. 13

*Jackson v. Federal Express* - TX Northern - Zero p. 18

### Restaurant Negligence

*Franklin v. Weibelt* - AL Northern - \$2,000 p. 5

### Security Guard Negligence

*Morales v. Wackenhut* - PA Middle - \$140,000 p. 15

### Sexual Abuse

*Kelly v. Mormon Church* - WA Western - Zero p. 18

### Sexual Harassment

*Tate v. Executive Management* - IN Northern - Zero p. 10

*Osorio v. The Source* - NY Southern - \$15,500,000 p. 14

*Bonilla v. Taco Bell* - Oregon - \$15,000 p. 15

### Train Negligence

*Pribbernow v. Union Pacific* - WY Cheyenne - \$2,000,000 p. 19

### Underinsured Motorist

*Calhoun v. Progressive* - AL Middle - \$52,550 p. 5

*Mullins v. State Farm* - KY Eastern - \$15,000 p. 11

## Index by State

**Alabama**

Civil Rights - \$700 p. 4  
 Civil Rights - Zero p. 4  
 EMTALA - \$2,000 p. 4  
 Restaurant Negligence - \$2,000 p. 5  
 Underinsured Motorist - \$52,550 p. 5

**Arkansas**

Auto Negligence - \$26,000 p. 5  
 Race Discrimination - Zero p. 6

**California**

Products Liability - Zero p. 6

**Colorado**

Malicious Prosecution - Zero p.7

**Florida**

Civil Rights - \$151,675 p. 7  
 National Origin Discrimination - Zero p. 8  
 Pharmacy Negligence - Zero p. 8  
 Premises Liability - Zero p. 8  
 Race Discrimination - Zero p. 8  
 Race Discrimination - Zero p. 9  
 Race Discrimination - \$511,900 p. 9

**Georgia**

Employment Retaliation - \$2,306,814 p. 7

**Illinois**

National Origin Discrimination - Zero p. 9

**Indiana**

Auto Negligence - \$814,398 p. 10  
 Sexual Harassment - Zero p. 10

**Iowa**

Age Discrimination - Zero p. 10

**Kentucky**

Underinsured Motorist - \$15,000 p. 11

**Louisiana**

Premises Liability - \$485,000 p. 11

**Maryland**

Medical Negligence - Zero p. 11

**Michigan**

Basketball Attack - Zero p. 12  
 Employment Retaliation - Zero p. 12

**Mississippi**

Automatic Door Negligence - Zero p. 12  
 Race/Gender Discrimination - Zero p. 13

**Missouri**

Premises Liability - Zero p. 12

**New Jersey**

Premises Liability - \$41,500 p. 13

**New York**

Gender Discrimination - Zero p. 13  
 Sexual Harassment - \$15,500,000 p. 14

**Ohio**

Disability Discrimination - \$68,309 p. 14  
 Products Liability - Zero p. 14

**Oregon**

Sexual Harassment - \$15,000 p. 15

**Pennsylvania**

National Origin Discrimination - \$146,345 p. 15  
 Security Guard Negligence - \$140,000 p. 15

**Tennessee**

Civil Rights - Zero p. 16  
 Employment Retaliation - Zero p. 16  
 National Origin Discrimination - Zero p. 16

**Texas**

Dodgeball Negligence - \$50,724 p. 17  
 Disability Discrimination - Zero p. 17  
 Employment Retaliation - Zero p. 17  
 Employment Retaliation - Zero p. 17  
 Race Discrimination - Zero p. 17

**Virginia**

Age Discrimination - Zero p. 18

**Washington**

Sexual Abuse - \$1,400,000 p. 18

**West Virginia**

FELA - Zero p. 19

**Wyoming**

Train Negligence - \$2,000,000 p. 19