

# Kentucky Trial Court Review

June 2022

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*Auto Negligence* - The plaintiff complained of a meniscal injury (leading to a repair surgery) after a rear-end crash – the jury awarded just a fraction of the incurred medical bills and ostensibly rejected causation as to the knee injury - \$3,725 p. 10

#### Anderson County

*Underinsured Motorist* - A state road construction worker was riding in the back of a truck as traffic cones were being picked up in a construction zone on the Bluegrass Parkway – the tortfeasor wasn't paying attention and crashed into the truck – the impact threw the plaintiff out of the truck and he suffered a TBI among other injuries – the plaintiff settled with the tortfeasor for his \$50,000 limits and then sought UIM coverage from his carrier - \$1,841,980 p. 1

#### Kenton County

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#### Federal Court - Louisville

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#### Warren County

*Premises Liability* - A retired deputy sheriff (an overall eggshell plaintiff after years of police work) fell on a wet hospital floor and suffered aggravation injuries of those prior conditions – because of that eggshell status, the plaintiff limited his non-economic damages for ten months as he conceded he'd returned to his pre-fall baseline – a Bowling Green jury found the hospital solely at fault and awarded the plaintiff \$50,000 for his pain and suffering - \$110,925 p. 7

#### Mason County

*Medical Negligence* - The plaintiff alleged error by her cardiologist in dissecting her aorta (leading to complications and ongoing pain) during a cardiac catheterization - Defense p. 8

#### Floyd County

*Premises Liability* - The plaintiff tripped on a nail that protruded from a wooden deck as he walked into a gas station - Defense p. 8

#### Fayette County

*Medical Negligence* - The elderly plaintiff had a Foley catheter placed after a complex ankle surgery to assist him voiding urine – when the plaintiff was transferred to a rehabilitation hospital, the order for the catheter was continued for a month and during this period it was alleged a previously installed urinary implant (because of a prior prostate cancer surgery) eroded which led to a variety of complications including a surgery to remove the implant (an AUS) and a second one to replace it – the error as alleged in this lawsuit was that a nurse at the rehabilitation hospital improperly continued the Foley catheter even when the plaintiff could stand and urinate on his own, the delay in removing the catheter in turn caused the erosion complication - Defense p. 9

#### Campbell County

*Premises Liability* - The plaintiff sustained a mild brain injury in a fall on a wet floor at a grocery store floral department – the jury awarded the plaintiff pain and suffering of \$60,000 (she didn't seek her medicals) and found her 42% at fault - \$60,000 p. 10