

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

November 2014

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18 K.T.C.R. 11

Comprehensive Statewide Jury Verdict Coverage

Civil Jury Verdicts

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

Premises Liability - The plaintiff, a schoolteacher, complained of a traumatic brain injury after being struck in the head (while sitting on a restaurant deck) by a fully loaded server tray – the restaurant defended and minimized the claimed injury – a Newport jury awarded a portion of the medicals and nothing for non-economic damages

Plummer v. Don Pablo's Restaurant,
12-983

Plaintiff: Thomas L. Rouse, Erlanger
Defense: Charles H. Cassis, Aaron J. Silletto and Jarad N. Key, *Goldberg Simpson*, Prospect

Verdict: \$5,000 for plaintiff

Court: **Campbell**, J. Stine,
8-22-14

Christa Plummer, then age 37 and a high school teacher and cheerleading coach, was a patron at Don Pablo's Restaurant. It is located in Newport on Riverboat Row. Plummer was seated on the restaurant's deck overlooking the river.

Behind her was a door that led to the kitchen. The passage from the kitchen to the restaurant was narrow. A server came from the kitchen and passed Plummer with a fully-loaded serving tray. As the server passed the tray struck Plummer in the head.

Plummer instantly reported pain in her head and neck. A restaurant

manager investigated and made a settlement offer on the spot. He was willing to provide Plummer a shot of alcohol. She declined.

While still at the restaurant

Plummer also became nauseous. A friend was called and this friend is married to an anesthesiologist. The doctor told Plummer to go to the ER.

Plummer was initially treated for

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Auto Negligence - Two plaintiffs complained of injuries after a rear-end crash – the defendant minimized the collision and relied on both a biomechanics expert and an IME, Dr. Timir Banarjee – the jury focused on insurance questions through the trial, ultimately awarding medical specials and nothing more - \$11,025 and \$7,262 p. 8

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