

Kentucky Trial Court Review March 2006 Table of Contents

Verdicts

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- Premises Liability - *An out of town conventioner fell on a city sidewalk and sustained a knee injury* - \$298,660 p. 6
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- Auto Negligence/UIM - *While the UIM carrier didn't Coots-advance, it was still identified at trial* - \$30,000 p. 8

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- Auto Negligence - *The plaintiff was rear-ended by an attorney - the case was rejected on damages* - Defense verdict p. 9

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- Premises Liability - *Plaintiff slipped on ice that formed because of a backed up drain* - Defense verdict p. 9
- Medical Negligence - *Plaintiff had a DNR ordered entered after she received a diagnosis of terminal cancer - after her death, it was learned she only had pneumonia* - Defense verdict p. 11

Ohio County

- Auto Negligence - *Medicals/No Suffering* - \$9,677 p. 10

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- Breach of Contract - *Case involving a commercial dispute regarding the installation of software at a aluminum mill* - \$2,169,988 p. 11

Supreme Court Tort Opinions

There were none issued at the February 2006 rendition date p. 13

Discretionary Review at the Supreme Court

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Court of Appeals Published Tort Opinion Summaries

Defamation - In a case involving a labor dispute, while remarks may be defamatory per se, the plaintiff must still prove damages - in this case in his deposition, the plaintiff failed to identify any damages - the appellate court relied on this deposition and rejected the plaintiff's later sworn affidavit that contradicted his deposition testimony p. 13

Verdicts Revisited

Hotel Negligence/JNOV- A \$887,379 verdict involving a fall at a hotel bathtub was set aside by JNOV - the Court of Appeals reversed holding that a JNOV may only be granted when there is a complete absence of proof on a material issue p. 14

Auto Negligence - A medicals/no suffering verdict was affirmed on appeal p. 14

Whistleblower Act - A \$40,000 verdict for a water district whistleblower was affirmed on appeal as the 90-day whistleblower statute of limitation only applied to claims for punitive and injunctive relief p. 14

Products Liability - A \$3,000,000 punitive award in a products case was reversed on appeal in light of *State Farm v. Campbell* - it had been affirmed once before *State Farm v. Campbell Chrysler* then successfully petitioning the U.S. Supreme Court after it was announced p. 14