

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

July 2013

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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.

Auto Negligence - The plaintiff, an operating nurse, linked pain and the limitation of her nursing career to an L-2 compression fracture that was sustained in a right-of-way collision

McKeehan v. Evans, 12-44

Plaintiff: James T. Gilbert, *Coy Gilbert & Gilbert*, Richmond

Defense: R. Craig Reinhardt, *Reinhardt & Associates*, Lexington

Verdict: \$490,662 for plaintiff

Court: **Madison**, J. Logue,
6-26-13

Frances McKeehan, then age 55 and an operating room nurse, was headed to church on the morning of 9-20-10. She was a passenger with her husband in a Jeep Grand Cherokee as he drove on U.S. 25 near Berea. A moment later, Edwin Evans of Evans Tire Service, pulled from his business.

Evans simply didn't see the McKeehan vehicle coming. He pulled directly into its path. A significant collision resulted. Evans conceded fault.

McKeehan was complaining of back pain at the scene and was immediately taken to the local ER. She was treated for an L-2 compression fracture, a bruised knee and other soft-tissue symptoms.

Her injuries were confirmed by her family doctor and her orthopedist (Dr. Mark Secor, Richmond), both of whom testified live at trial. There was proof that

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while McKeehan is still working as a nurse, she will likely leave the workforce sooner than expected.

McKeehan's vocational team, Jacquelyn Velez and Ronald Missun, both of Vocational Economics, valued her impairment at \$143,224. Lost wages totaled \$22,020. McKeehan's incurred medicals were \$17,646. The plaintiff also sought both past and future suffering in separate categories.

In this lawsuit McKeehan sought damages from Evans. Besides conceding fault for the wreck, Evans also testified in his deposition that he wanted McKeehan to be fully compensated. Full compensation apparently represented \$75,000, that being his last take-it-or-leave-it offer at mediation.

In defending the merits of the case and diminishing damages, Evans employed an IME, Dr. Gary Bray, Orthopedics, Lexington. Bray linked McKeehan's ongoing symptoms not to the L-2 fracture, but instead to

other degenerative conditions. The doctor also thought McKeehan would benefit most from an exercise program.

The jury's verdict was for McKeehan and she took \$15,418 of her medicals. Her lost wages were \$22,020, the jury valuing her impairment at \$143,224 as claimed. Past suffering was \$22,832, the jury adding future suffering at \$287,168. The verdict totaled \$490,662. A consistent judgment has been presented to the court, but at the time of this report, it had not yet been entered.

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