

# The Oklahoma Jury Verdict Reporter

The Most Current and Complete Summary of Oklahoma Jury Verdicts

June 2012

Statewide Jury Verdict Coverage

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## Civil Jury Verdicts

Timely coverage of civil jury verdicts in Oklahoma including court, division, presiding judge, parties, case number, attorneys and results. Notable out of state results are also included.

### Rental Negligence - Having rented a scissor lift and still at the rental location, the plaintiff leaned the scissor lift over (while it was not extended) to move it through a door – the heavy scissor lift tipped over and the plaintiff sustained a serious leg injury

*Coats v. United Rentals*, 09-4844

Plaintiff: Anthony F. Garospe, *Garospe & Smith*, Tulsa and Keith A. Swift, *Swift & Watkins*, Tulsa

Defense: Gene Robinson and James C. Daniel, *The Robinson Law Firm*, Tulsa

Verdict: \$550,000 for plaintiff less 5% comparative fault

Court: **Tulsa**

Judge: Mary F. Fitzgerald

Date: 4-18-12

Glen Coats was working for GW Electric on 10-4-07. His employer needed to rent a scissor lift for a job. Coats went to the premises of United Rentals for that purpose. A forty-foot scissor lift was rented.

As Coats (along with a co-worker) removed the scissor lift from the United Rentals premises so it could be loaded on a truck, Coats first had to move it outside. That meant going through a standard sized door. The scissor lift (even if it was not extended) was still too tall to make it through the door.

To accomplish the move, Coats tipped the scissor lift so it would pass. In so doing, Coats failed to appreciate the scissor lift's significant weight. It tipped over and landed on his leg. He suffered a serious injury. His medical bills and course of treatment are not reflected in the court record.

In this lawsuit Coats sued United Rentals and alleged negligence in failing to instruct and train him on the scissor lift's operation. United Rentals defended that the warning not to tilt the scissor lift was clearly provided in eye-level stickers placed on the lift itself. The plaintiff too

could have simply read the manual that was provided. A safety expert for United Rentals was Gary Richetto, Tulsa.

The jury's verdict was mixed on fault. It was assessed 95% to United Rentals and the remaining 5% to Coats. Then to damages, he took a general award of \$550,000. While presumably the judgment would be for Coats for \$522,500, a month post-trial there was no judgment in the record.

### Products Liability - The plaintiff suffered a severe crush injury to her leg (and it was later amputated above-the-knee) when a 1972 Ford pick-up slipped out of gear and pinned her against another vehicle

*Kite v. Ford Motor Company*, 09-10522

Plaintiff: Jack S. Dawson and Amy L. Alden, *Miller Dollarhide*, Oklahoma City

Defense: Mary Quinn Cooper, Andrew L. Richardson and Barbara E. Cordell, *McAfee & Taft*, Tulsa

Verdict: Defense verdict on liability

Court: **Oklahoma**

Judge: Lisa T. Davis

Date: 3-14-12

On the morning of 10-10-09, Rebecca Kite of Chickasha, was helping her husband to start a 1976 Ford pick-up truck that was stuck in gear. To accomplish that task, Rebecca, then age 28, nudged the stuck truck with an even older 1972 Ford F-100 pick-up. As the Kites worked on the car, Rebecca decided to go inside and get a coat because it was cold.

Rebecca put the 1972 Ford in park and stepped outside. As she walked between the two parked pick-up trucks, the 1972 Ford slipped out of gear and into reverse. It lurched backwards and pinned her against the stuck truck. Rebecca sustained a serious crush injury to her leg. Despite some 13 repair surgeries, the leg was later amputated above-the-knee.

Rebecca sued Ford and alleged a defect

***Have you tried a case lately? We are traveling all over the state and communicating with court personnel, but if we know about a verdict, we'll get on it right away***

***Let us know about it at the***

**Oklahoma Jury Verdict Reporter**

Case Style \_\_\_\_\_

Jurisdiction \_\_\_\_\_ Case Number \_\_\_\_\_

Trial Judge \_\_\_\_\_ Date Verdict \_\_\_\_\_

Verdict \_\_\_\_\_

For plaintiff \_\_\_\_\_ (Name, City, Firm)

For defense \_\_\_\_\_ (Name, City, Firm)

Fact Summary \_\_\_\_\_

\_\_\_\_\_

Injury/Damages \_\_\_\_\_

Submitted by: \_\_\_\_\_

\_\_\_\_\_

**Or use any other format to let us know about your result**

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IL, Dr. Michael Gutwein, Infectious Disease, St. Louis, MO and Dr. William Hawkins, ENT, Tulsa, OK.

This case had first been set for jury trial in October of 2011. However the weekend before the trial was to begin, a large color advertisement ran in the local paper that extolled Pagnanelli's surgery skills. The case was continued to February.

The case was tried in Lawton. The jury's verdict was for the doctor on liability by an 11-1 count and the estate took nothing. A defense judgment closed the case.

**Auto Negligence - The plaintiff complained of a cervical disc injury and a mild closed head injury following a right of way passing crash – even after a reduction for comparative fault, the plaintiff's verdict exceeded the defendant's \$50,000 policy limits**

*Dorsey v. Stone*, 09-749

Plaintiff: David C. Bean and Jesse L. Fettkether, *Rode Law Firm*, Tulsa

Defense: Mark A. Smiling, *Smiling Miller & Vaughn*, Tulsa

Verdict: \$85,000 for plaintiff less 30% comparative fault

Court: **Rogers**

Judge: Dynda Post

Date: 3-7-12

Phyllis Dorsey was driving a one-ton pick-up on Hwy 82 in Locust Grove on 10-1-07. She prepared to make a left-turn into a private drive. Just as Dorsey made her turn, Brett Stone traveling behind her, attempted to pass on the left. He did so against a double-yellow line.

In the process of making his pass, he broadsided Dorsey's truck. A moderate collision resulted. Dorsey has since treated for a cervical disc injury and a mild closed head injury. Her injury was confirmed by a plaintiff's IME, Dr. Allan Fielding, Neurosurgery. In this lawsuit

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