

# The Tennessee Jury Verdict Reporter

The Most Current and Complete Summary of Tennessee Jury Verdicts

March, 2005

Statewide Jury Verdict Coverage

2 TJVR 3

## Unbiased and Independently Researched Jury Verdict Results

### In This Issue

#### Davidson County

Slip and Fall - \$473,000	p. 2
Auto Negligence - \$48,703	p. 3
Medical Negligence - Defense verdict	p. 5
Auto Negligence - \$7,500	p. 8
Laser Point (Lawyer) Neg - Zero	p. 9
Auto Negligence - \$15,144	p. 11

#### Federal Court - Knoxville

Products Liability - \$5,483,602	p. 1
----------------------------------	------

#### Shelby County

Auto Negligence - \$700,000	p. 2
Medical Negligence - Defense verdict	p. 8

#### Knox County

Truck Negligence - \$200,000	p. 3
Uninsured Motorist - \$1,500	p. 8
Auto Negligence - \$1,675	p. 11

#### Federal Court - Chattanooga

Pregnancy Discrim - Defense verdict	p. 4
-------------------------------------	------

#### Hamilton County

Auto Negligence - \$12,500	p. 4
----------------------------	------

#### Madison County

Consumer Protection - \$1,083,238	p. 5
Auto Negligence - Defense verdict	p. 8
Auto Negligence - \$5,000	p. 9

#### Maury County

Uninsured Motorist - Defense verdict	p. 6
--------------------------------------	------

#### Federal Court - Nashville

Employment Retaliation - \$100,000	p. 6
Civil Rights - \$13,000	p. 10

#### Benton County

Auto Negligence - \$20,000	p. 7
----------------------------	------

#### Polk County

Auto Negligence - \$23,400	p. 7
----------------------------	------

#### Bradley County

Uninsured Motorist - \$15,112	p. 9
-------------------------------	------

#### Federal Court - Memphis

Employment Retal - Defense verdict	p. 11
------------------------------------	-------

#### Loudon County

Auto Negligence - Defense verdict	p. 12
-----------------------------------	-------

#### Tipton County

Medical Negligence - Defense verdict	p. 12
--------------------------------------	-------

#### Chester County

Auto Negligence - Defense verdict	p. 12
-----------------------------------	-------

<b>Notable Out of State Verdicts</b>	p. 13
--------------------------------------	-------

### Civil Jury Verdicts

Timely coverage of civil jury verdicts in Tennessee including court, division, presiding judge, parties, case number, attorneys and results.

### Products Liability - Plaintiff lost his arm below the elbow when the redesigned arm on an industrial bucket suddenly closed; because of the redesign, it was argued the bucket would not stay locked in an open position

*Harris v. Inductotherm Corp.*,  
3:03-CV-78

Plaintiff: William A. Young, *O'Neil Parker & Williamson*, Knoxville and William O. Shults, Newport  
Defense: Charles B. Lewis and Summer H. Stevens, *Lewis King Krieg & Waldrop*, Knoxville  
Verdict: \$5,483,602 for plaintiff less 21% comparative fault  
Federal: **Knoxville**  
Judge: R. Leon Jordan  
1-27-05

In 1985, Inductotherm, a company which builds induction furnaces, contracted with Alcoa near Knoxville to sell it two induction furnaces. They are used to melt scrap metal. A part of the original design included a ten cubic foot charge bucket. The buckets essentially load or "charge" the furnace.

The system worked without incident until 1996. At that time Alcoa needed a bigger bucket. To accommodate larger loads, it required a twelve cubic foot bucket. Alcoa first considered buying a new bucket from Inductotherm. That cost too much and Alcoa considered a design change.

It told Inductotherm what it wanted. While Alcoa carried out the design change, Inductotherm provided design drawings. Paying some \$5,000 to

Inductotherm for the project, it included not just the parts, but also engineering and design. However the new design had a problem. The charge bucket did not lock when it was in an open position as it had before.

Fast forwarding to 12-23-01, Gary Harris was working for Alcoa loading an induction furnace with the charge bucket. Harris noted some metal was stuck in the bucket's arm. With it in an open position and believing it was locked, Harris reached up to manually dislodge the obstruction. As soon as he did, the heavy arm of the bucket slammed down. Harris suffered a severe injury to his arm -- it was amputated below the elbow three days later.

In this products liability action, removed from Blount County by Inductotherm, Harris blamed the company for its negligent design of the modification. Particularly, he was critical of it in two regards, (1) the bucket did not remain locked in an open position and (2) because it was a bigger bucket, it was more likely that it would become clogged with excess.

Plaintiff's liability expert, Frank Speckhart, Engineer, Knoxville, called the injury the result of a tragic comedy of errors. Particularly, besides being unreasonably dangerous, Speckhart suggested Inductotherm had a duty to warn that of how the design modification changed the character of how the bucket worked.

Inductotherm defended the case and minimized its role. In that regard, it noted Alcoa asked for the modification and in fact, Alcoa made the design changes. Inductotherm's conduct in this regard was simply to prepare a design consistent with the specifications provided by Alcoa. Plaintiff's own care was also implicated -- had he not violated policy and placed his arm in