The Tennessee Jury Verdict Reporter

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December 2025 **Statewide Jury Verdict Coverage** **22 TJVR 12**

Tennessee's Source for Jury Verdicts Since 2004

In This Issue

Medical Negligence - During a laparoscopic cholecystectomy, the defendant surgeon "got lost" and "made a mistake" in clipping multiple structures including transecting the plaintiff's common bile duct – there was a recognition delay in identifying the injury and while the plaintiff, a woman in her middle 30s, later underwent a complex repair surgery at Vanderbilt, she has permanent complications with abdominal infections and will require a lifetime of care – the defendant had explained the so-called mistake was not a deviation from the standard of care, the plaintiff's expert countering the defendant got lost in the anatomy because he used the wrong surgical approach - the jury awarded the plaintiff $11.056 million at trial which included $7.5 million in non-economic damages –

Helmendach v. Colquitt, C-23-0317-23
Plaintiff: Gary K. Smith and C. Philip M. Campbell, *Gary K. Smith Law, PLLC*, Memphis
Defense: James R. London, *London & Amburn*, Knoxville
Verdict: $11,056,770 for plaintiff
Court: **Knox**
Judge: Deborah Stevens
Date: 10-29-25

Amy Helmendach, age 35 and working as a production technician for Siemens at its medical manufacturing facility, suffered from nausea, heartburn and abdominal pain in early 2022. An ultrasound on 1-11-22 revealed she had gallstones. She first presented for evaluation to a surgeon, Dr. Mark Colquitt of Foothills Weight Loss Surgeons. He scheduled a laparoscopic cholecystectomy (gallbladder removal) surgery for 1-26-22 at Fort Sanders Regional Medical Center.

There was a misadventure during the surgery. Colquitt clipped both Helmendach's common bile duct and hepatic artery. Colquitt realized the arterial injury and believed it was repaired. Helmendach awoke from the surgery in severe pain. She was now leaking bile fluid into her abdomen.

Helmendach was released the next day. Over the next few days she made numerous calls to Colquitt and his office reporting her worsening symptoms. Finally on 2-6-22 (a Sunday), she called Colquitt and told him she felt like she was dying. He directed her to go the ER in advance of a scheduled office visit the next day.

Colquitt met Helmendach at the hospital and a CT scan was taken. She was clearly accumulating fluid in her abdomen. Colquitt performed a so-called "washout" of her abdomen but didn't identify a bile leak. Helmendach was in the hospital for five more days.

Finally on 2-11-22, she was taken to Vanderbilt. She had a long course of care which ultimately resulted in a seven hour Roux-en-y repair surgery by Dr. Sunil Geevargehese (an expert

Although Dr. Miller still maintains his opinions previously provided concerning the critical view of safety technique, Dr. Miller is also expected to testify that whatever technique was used by Dr. Colquitt, multiple aspects of the evidence in this case indicate that Dr. Colquitt deviated from the standard of care in his performance of the laparoscopic cholecystectomy procedure on Amy Helmendach by cutting and clipping multiple wrong structures, indicating that Dr. Colquitt misidentified multiple anatomical structures and became "lost" during the procedure.

More specifically, Dr. Miller is expected to testify that although the cystic duct and the cystic artery are the two structures that are supposed to be cut and clipped during a laparoscopic cholecystectomy, and the common bile duct is not supposed to be cut or clipped during a laparoscopic cholecystectomy, the evidence in this case indicates that Amy Helmendach's common bile duct was "completely transected," meaning that it was completely cut during Dr. Colquitt's surgery on Amy Helmendach, and that clips were placed on at least two wrong structures: the common bile duct and the common hepatic duct. Additionally, although Dr. Colquitt's operative report from his January 26, 2022 surgery on Amy Helmendach indicated that Amy Helmendach had suffered a right hepatic artery branch injury during the surgery, the evidence in this case indicates that instead of (or at a minimum in addition to) there being an injury to a right hepatic artery branch, there was more likely an injury to Amy Helmendach's common hepatic duct that was not identified by Dr. Colquitt but was reported by Dr. Sunil

A portion of the plaintiff's expert disclosure (Dr. Preston Miller)

in hepatobiliary surgery) in April of 2022. This was in part because Helmendach's bile duct had been completely transected. Her medical bills were $556,770.

Helmendach sued Colquitt and alleged negligence by him in injuring her anatomy. Her expert, Dr. Preston Miller, Surgery, Winston-Salem, NC, concluded Colquitt used the wrong surgical technique. Miller explained Colquitt relied on the outdated infundibular method instead of using the "critical view of safety." This error limited Colquitt's vision of Helmendach's anatomy and caused the serious and permanent bile duct injury. Smith also believed that rather than an arterial injury (or in addition to it), the injury was more likely to her common hepatic duct as later identified during the Vanderbilt repair surgery.

Helmendach deals with periodic abdominal infections and will require expensive antibiotics to manage this for life. Her treating gastroenterologist, Dr. Matt Moore, Knoxville, described her injury and the ongoing care. Her future medicals were extensive. If Helmendach prevailed on liability she sought non-economic damages in five categories.

The defense expert was Dr. Adam Harris, Surgery, Birmingham, AL. He believed Colquitt's surgical technique was appropriate (infundibular was the standard of care) and the unfortunate injury was a known and recognized complication that can occur in the best of hands. He also explained that Colquitt "got lost" and had "made a mistake" but there was no deviation from the standard of care. Smith (the plaintiff's expert) replied that whatever the method (critical view or infundibular), Colquitt still violated the standard of care in cutting and clipping (completely transecting the common bile duct) multiple wrong structures.

This case was tried for three days. The jury verdict and jury instructions are not a part of the record. However the judgment indicates the jury found Colquitt violated the standard of care.

The jury then went to damages. Helmendach took medicals of $556,770 plus $3,000,000 more for her future medicals. Non-economic damages (spread over five categories) totaled $7.5 million. They were:
Past suffering: $1,000,000
Future suffering: $2,000,000
Impairment: $2,000,000
Past loss of enjoyment: $500,000
Future loss of enjoyment: $2,000,000.
The raw verdict for Helmendach totaled $11,056,770.

The final judgment entered on 11-7-25 was for Helmendach in the sum of $4,306,770. The raw verdict was reduced to account for Tennessee's tort scheme that limits non-economic

damages to $750,000. In that case the $7.5 million in non-economic damages awarded to Helmendach were reduced to just $750,000. This resulted in a saving of $6.75 million for the tortfeasor.

Case Documents:
Complaint
Plaintiff Expert Disclosure
Defense Expert Disclosure
Final Judgment

Medical Negligence - The plaintiff linked a birth injury to her maternal fetal medicine doctor (he was consulted because it was a high risk pregnancy as the mother is diabetic) in failing to respond to an alarming 2 out of 8 Biophysical Profile (BPP) score – the theory was this should have alerted the doctor to send the plaintiff for an immediate delivery and if delivered at that time, the baby would have been normal – the delivery only came four days later after a repeat BPP was alarming and by this time the baby girl had suffered a permanent hypoxic brain injury – she died five months later – the case came to trial 10 years later and while the jury rejected any award of non-economic damages to either the girl for her suffering or her parents for their consortium interest, the lost earnings were $4,000,000

Jones v. Bors-Koefoed, CT-00101-17
Plaintiff: Chad D. Graddy and W. Bryan Smith, *Bryan Smith & Associates*, Memphis
Defense: Darrell E. Baker, Jr. and Deborah Whitt, *Baker & Whitt*, Memphis
Verdict: $4,000,000 for plaintiff
Court: **Shelby Circuit Court**
Judge: Yolanda Kight-Brown
Date: 8-13-25

Tracey Jones was pregnant in the spring of 2014. She's diabetic and her Ob-Gyn, Dr. Jessica Ruffin, referred her to a maternal fetal specialist, Dr. Roy Bors-Koefoed for a consult. Bors-Koefoed followed the pregnancy and it was mostly normal.

Bors-Koefoed saw Jones on 9-11-15. Jones was now at 35.3 weeks. He performed a Biophysical Profile (BPP) test. It is a specialized ultrasound that has four separate measurements. The result of those measurements (there is an eight-point scale) reflect the condition of the baby. Any score of four or below is alarming. The first BPP that day was two. That's very troubling.

At this juncture in the history of the case, there was a dramatic fact dispute. What happened next is still unclear. Bors-Koefoed alleged he ran a second BPP test. Why? They often create false positives. He did this after giving the mother some peanut butter to eat and a Sprite. The second BPP was a perfect 8. Bors-Koefoed was reassured the baby was in good shape.

The problem is that it remained disputed if there was a second BPP test at all. Bors-Koefoed didn't have a record of it, although he indicated he faxed it to the plaintiff's Ob-Gyn. The mother for her part denied there had been a second BPP. In any event Bors-Koefoed concluded the pregnancy was normal and Jones was sent home for the weekend.

Jones was sick over the weekend and returned to Bors-Koefoed on Monday. Another BPP test was performed. The score was a four. Bors-Koefoed immediately sent Jones for a c-section. Baby girl Grace was born but had suffered a hypoxic birth injury. She suffered from cerebral palsy and other related injuries. Grace was in the NICU for an extended period of time. She died at five months old in February of 2016. There was proof the girl had a short and painful life.

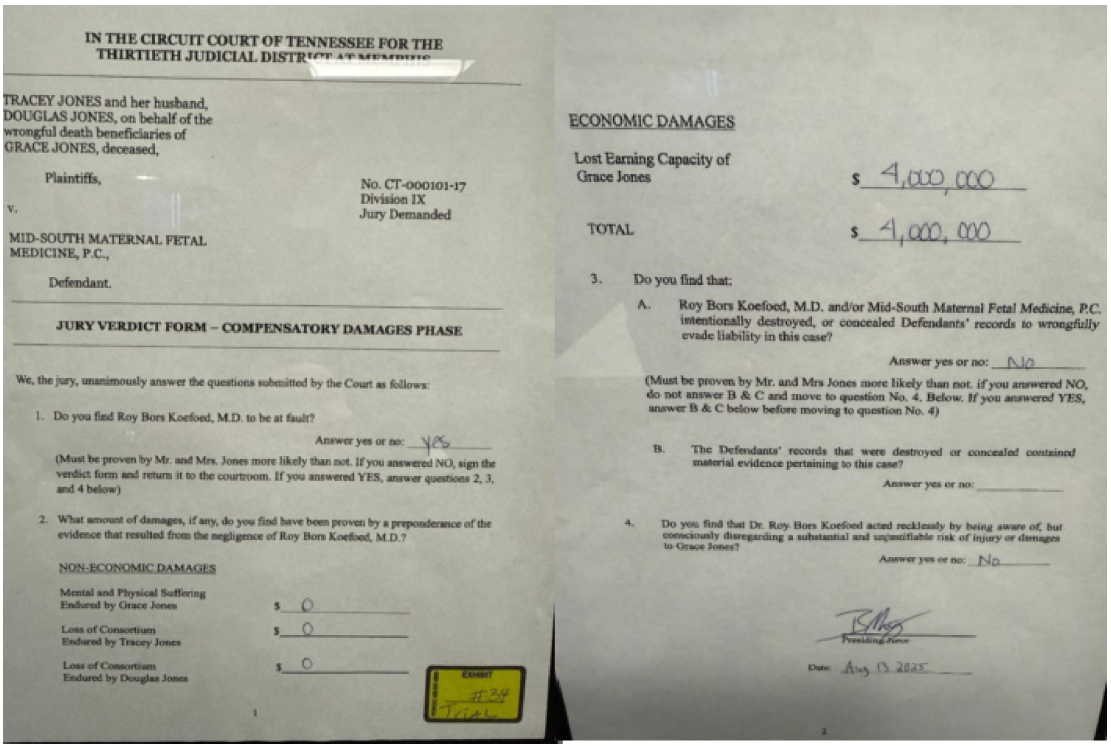
The Jones estate (representing her parents) filed this lawsuit in 2017. It alleged negligence by Bors-Koefoed in failing to respond to the first 2/8 BPP score on 9-11-15. The plaintiff argued that if the baby had been delivered at that time (the test indicated this was required), Grace would not have suffered an injury.

The plaintiff's liability expert was Dr. James Edwards, Ob-Gyn, Raleigh, NC. He described the score of four or less on the BPP as representing the standard of care to send the mother to the hospital for delivery. Moreover it was no excuse and could not be explained away, Edwards opined, that there was a second reassuring BPP score. Finally he explained that through the weekend and until delivery, Grace was actively dying. A second expert who described the girl's injury and causation was Dr. Brian Sims, Neonatology, Birmingham, AL.

The claimed damages were in four categories. An economist, James Mills, quantified's Grace's lost earnings at $3.29 million if she had a college degree. His low estimate (as a non-college graduate) was $2.25 million. The plaintiff also sought Grace's pain and suffering as well as the consortium interests of her parents.

The plaintiff's case was more complex than just simple negligence. It was alleged that Bors-Koefoed had lied or concealed or made up (the plaintiff wasn't sure) the story of the second reassuring BPP test. The plaintiff sought to impose punitive damages for this purportedly reckless conduct.

As the case went to the jury, the estate asked for an award of damages of $9.29 million. That represented $3,000,000 for Grace's pain and



IN THE CIRCUIT COURT OF TENNESSEE FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

TRACEY JONES and her husband, DOUGLAS JONES, on behalf of the wrongful death beneficiaries of GRACE JONES, deceased,

Plaintiffs,

v.

MID-SOUTH MATERNAL FETAL MEDICINE, P.C.,

Defendant.

No. CT-000101-17
Division IX
Jury Demanded

JURY VERDICT FORM – COMPENSATORY DAMAGES PHASE

We, the jury, unanimously answer the questions submitted by the Court as follows:

1. Do you find Roy Bors Koefoed, M.D. to be at fault?

Answer yes or no: YES

(Must be proven by Mr. and Mrs. Jones more likely than not. If you answered NO, sign the verdict form and return it to the courtroom. If you answered YES, answer questions 2, 3, and 4 below)

2. What amount of damages, if any, do you find have been proven by a preponderance of the evidence that resulted from the negligence of Roy Bors Koefoed, M.D.?

NON-ECONOMIC DAMAGES

Mental and Physical Suffering Endured by Grace Jones $ 0

Loss of Consortium Endured by Tracey Jones $ 0

Loss of Consortium Endured by Douglas Jones $ 0

EXHIBIT #34 Trial

ECONOMIC DAMAGES

Lost Earning Capacity of Grace Jones $ 4,000,000

TOTAL $ 4,000,000

3. Do you find that:

A. Roy Bors Koefoed, M.D. and/or Mid-South Maternal Fetal Medicine, P.C. intentionally destroyed, or concealed Defendants' records to wrongfully evade liability in this case?

Answer yes or no: No

(Must be proven by Mr. and Mrs Jones more likely than not. if you answered NO, do not answer B & C and move to question No. 4. Below. If you answered YES, answer B & C below before moving to question No. 4)

B. The Defendants' records that were destroyed or concealed contained material evidence pertaining to this case?

Answer yes or no: _____

4. Do you find that Dr. Roy Bors Koefoed acted recklessly by being aware of, but consciously disregarding a substantial and unjustifiable risk of injury or damages to Grace Jones?

Answer yes or no: No

Presiding Juror

Date: Aug 13 2025

The Jones v. Bors-Koefoed jury verdict

suffering and $1.5 million each for the consortium interests of her parents. The prayer was for $3.29 million more for lost earning capacity. Attorney Graddy argued the case (he said frankly) was simple. The BPP test existed to predict bad outcomes, it did here and there was a bad outcome. Graddy also argued that Bors-Koefoed was dishonest and while he couldn't say for sure what happened with the second test (Graddy called it weird), punitives were justified.

Bors-Koefoed replied on several fronts. The first was that there were two tests on 9-11-15 and that, (1) false positives are common, and (2) the reassuring test led him to reasonably conclude the pregnancy was stable. He flatly denied any concealment or misconduct. His testimony was clear – there was a second test.

Why then was the baby in distress on Monday? Bors-Koefoed argued that the injury (a likely cord accident) occurred over the weekend and then manifested in the 4/8 score recorded on Monday morning. His expert at trial was Dr. Charles Adair, Maternal Fetal Medicine, Chattanooga, TN.

This case was tried for six days in August. Justice moved slowly and this was almost ten years after Jones was born. As the jury was deliberating it indicated to Judge Kight-Brown that it could not reach a verdict. She called the jurors in to discuss the matter and had first indicated she'd send them home overnight. It was now 5:00 p.m. on a Wednesday.

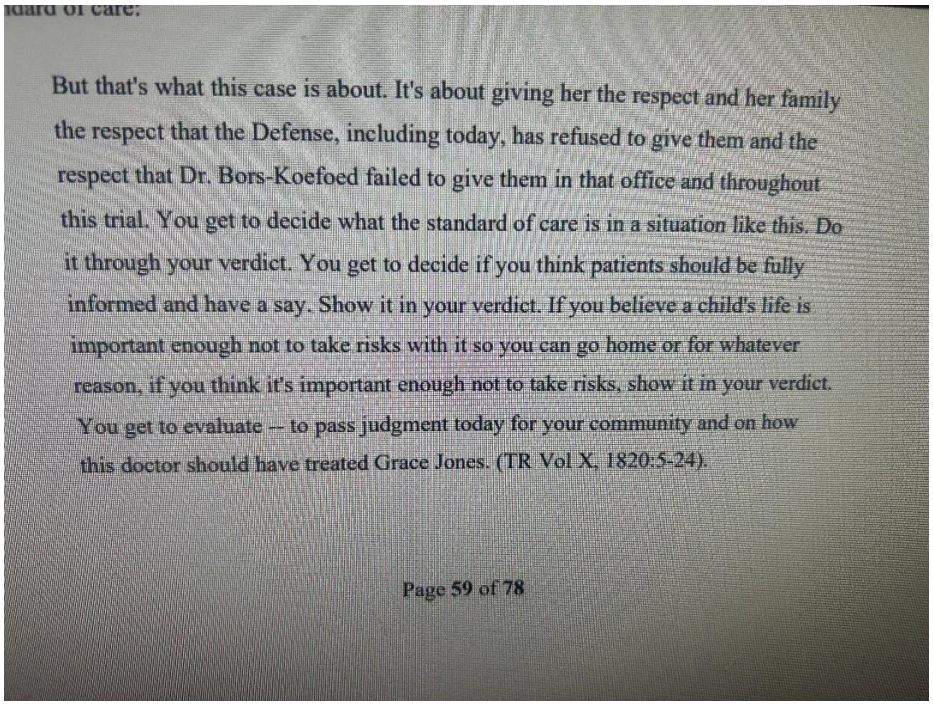
Once on the bench the court began a discussion with the jurors. She instructed them to continue deliberating towards a verdict. As the court was speaking, a juror had a question about the standard of care. In an unscripted moment (she didn't confer with counsel), the court gave an answer. The jury returned to deliberate. It needed just forty minutes.

The jury answered that Bors-Koefoed had violated the maternal fetal medicine standard of care. The jury then moved to damages. It rejected any award for the girl's pain and suffering. Similarly her parents took nothing for their consortium interests.

While the jury was hostile to non-economic damages, it awarded the estate $4,000,000 (the plaintiff's expert suggested a high of $3.29 million) for Grace's lost earning capacity. The jury also rejected that Bors-Koefoed had intentionally destroyed or concealed records or that he had "recklessly disregarded a substantial and unjustified risk of injury." A finding for the estate on this claim would have triggered punitives. The jury's verdict was for $4,000,000 and the court entered a consistent judgment nearly a month later.

Bors-Koefoed has filed a blockbuster seventy-eight page motion for JNOV, new trial and/or remittitur. The motion assigned numerous errors and irregularities in the litigation, the evidence, the conduct of the trial and the verdict itself. In this report we'll discuss several of the most interesting arguments.

First the court should have



ıdard of care.

But that's what this case is about. It's about giving her the respect and her family the respect that the Defense, including today, has refused to give them and the respect that Dr. Bors-Koefoed failed to give them in that office and throughout this trial. You get to decide what the standard of care is in a situation like this. Do it through your verdict. You get to decide if you think patients should be fully informed and have a say. Show it in your verdict. If you believe a child's life is important enough not to take risks with it so you can go home or for whatever reason, if you think it's important enough not to take risks, show it in your verdict. You get to evaluate -- to pass judgment today for your community and on how this doctor should have treated Grace Jones. (TR Vol X, 1820:5-24).

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A portion of the plaintiff's closing argument cited in the defense JNOV motion

dismissed the case because the plaintiff's original pre-suit notice in 2018 provided an inadequate HIPAA notice. It only applied to Grace's pre-natal records, and not her mother's records, which prevented Bors-Koefoed from accessing them. A motion to dismiss on this basis had been denied in 2017 by the then-presiding Judge David Rudolph. The second argument was that the verdict was against the evidence, Bors-Koefoed citing the second reassuring 8 of 8 BPP test.

Third. It was error to exclude a defense expert, Dr. George Macones, Maternal Fetal Medicine, St. Louis, MO because of the locality rule. The motion argued Macones was quite familiar with the Memphis standard of care.

The fourth argument concerned damages. The economic damages were called excessive in several ways. First the jury awarded $4,000,000 which was more even the plaintiff's expert (Mills) had suggested as the upper limit. Moreover Mills' numbers were flawed as he both assumed the girl would be a college graduate (the high number) but then assumed a low poverty number on her consumption.

The fifth argument was related. Bors-Koefoed argued the jury's general verdict was incorrect. The jury should have allocated some of the damages to non-economic damages. Bors-Koefoed didn't argue that those damages would be subject to Tennessee's tort scheme, but the implication was clear. The jury had essentially misallocated the categories of damages in an ostensible general verdict.

Bors-Koefoed was also critical of the court's so-called "dynamite" charge in dialoguing with the jury. The judge threw in the stick of dynamite to an apparently hung jury, and it figuratively blew up with a quick verdict 40 minutes later. The motion was also critical of the court's off-the-cuff dialogue with the jury without having consulted counsel.

The final argument was also interesting. Bors-Koefoed alleged that Attorney Graddy engaged in a golden rule argument to the jury. He told the jury "you get to pass judgment today" on how this doctor should have treated Grace. The defense motion was pending at the time of this report and the plaintiff had not yet replied.

Auto Negligence - The plaintiff complained of radiating low-back pain after a right-of-way collision

Smith v. Lochridge, 17541
Plaintiff: James P. Catalano, *The Catalano Firm*, Franklin
Defense: Michael D. Cox, *Murphy Cox Franks & Lasater*, Columbia
Verdict: $70,346 for plaintiff assessed 50% to the defendant
Court: **Maury**
Judge: J. Russell Parkes
Date: 7-1-25

Joan Smith, age 56, traveled in a 2007 Lincoln vehicle on 5-22-20 in Spring Hill, TN. William Lochridge approached from the opposite direction. Lochridge lost control of his commercial vehicle and jackknifed on the highway. He collided with Smith's oncoming vehicle, and she was then struck by a third driver.

Smith who suffered whiplash in the collision, has since treated for radiating low-back pain related to the aggravation of a degenerative L3-4 disc condition. That included chiropractic care and an epidural injection. A plaintiff's IME, Dr. Jeffrey Hazelwood, Physical Medicine, Lebanon, confirmed the injury.

In this lawsuit Smith sought damages from Lochridge and blamed him for losing control. Her claim had

a significant vocational component. At the time of the wreck, Smith did heavy work building fences. She's since been disabled from that work. Smith also alleged Lockridge had driven recklessly, and she sought to impose punitive damages.

Lochridge denied fault for the wreck and blamed his loss of control on a phantom driver of a black truck. He also diminished the lost earning damages and his vocational expert, Patsy Bramlett, opined that there was compensable work in the community Smith could perform.

This case was tried for two days in Columbia. The jury was split equally on fault, assessing 50% each to both Lochridge and the non-party "driver of the black truck." The jury then went to damages.

Smith took medical bills of $30,346 but none for in the future. Her lost wages were $20,000, but similarly there was no award for lost earning capacity.

The jury awarded $15,000 for past suffering, but none for in the future. Her past loss of enjoyment of life was $5,000 – that in the future was rejected. The jury also rejected an award for permanent impairment. Finally the jury concluded Smith was not entitled to punitive damages. The raw verdict totaled $70,346 and the final judgment (less comparative fault) was for Smith in the sum of $35,173.

Smith moved for a new trial and was critical of the jury for rejecting her lost earning capacity claim. Lochridge replied that the issue was for the jury to decide. Judge Parkes denied the motion in a 9-11-25 order.

Truck Negligence (Government Tort Liability Act) - A Memphis LGW utility truck did a u-turn in front of the plaintiffs and a serious collision resulted, both plaintiffs suffering multiple fractures – following a bench trial the judge awarded sums that far exceeded the $300,000 statutory limit

Linear et al Memphis Light Gas & Water, CT-3156-22

Plaintiff: Benjamin L. Daniel, Sr. and Ben Daniel, Jr., *Daniel Law Firm*, Memphis

Defense: Thomas Branch, *Archibald & Halmon*, Memphis

Verdict: $898,303 for Brewer and $827,357 for Linear both less 20% comparative fault (Bench verdict)

Court: **Shelby**

Judge: Carol J. Chumney

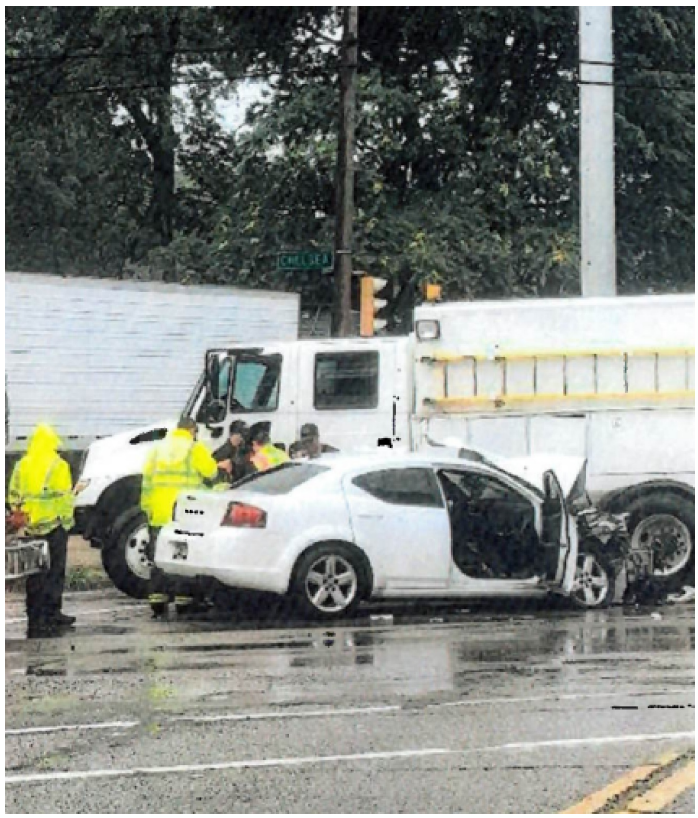
Date: 8-20-25

Gilbert Linear, then age 19, was driving a sedan in Memphis at the intersection of Chelsea and Manning. His passenger was Tekierani Brewer, age 20. They had the green light as they approached the intersection. At the same time William Owen was driving a utility truck for Memphis Light Gas & Water (MLGW). He made a u-turn in front of Linear. A hard collision resulted. Both Linear and Brewer suffered serious injuries. A light rain was falling.

Linear suffered a comminuted wrist fracture as well as a femoral neck and patellar fracture. A rod was placed in his leg. He couldn't walk for several months. Linear also broke his collarbone. Because of his injuries, Linear lost his job in food service at a hospital. His medical bills were $178,157.

Brewer hit her head on the windshield and was knocked unconscious. She had a busted lip and facial bruises. Brewer also suffered a transverse lumbar fracture and later underwent a spinal fusion surgery. Her medical bills were $143,419. She lost her warehouse job at Nike because of her injuries.

Linear and Brewer filed this Government Tort Liability Act against MLGW. They alleged negligence by its driver in turning into their path.



The vehicles at the scene of the collision

They sought substantial damages in excess of the $300,000 statutory cap on this type of claim.

MLGW defended first on liability. While its driver had turned in front of Linear, they implicated Linear's look-out. The government also diminished the claimed damages.

It is learned that as the trial approached, MLGW offered each plaintiff $150,000. Their offer of judgment had been for $260,000. There was no settlement and the case was tried as a bench trial before Judge Chumney on 5-14-25.

The court had its final judgment four months later. Judge Chumney split fault. It assessed it 80% to MLGW and the remaining 20% to Linear for failing to avoid the collision.

Linear took his past medicals, $44,200 for past lost earnings and $6,000 for his damaged car. He was awarded a total of $600,000 in non-economic damages over five separate categories. His verdict totaled $827,357 less 20% for a net of $661,886. This was reduced to the $300,000 statutory cap.

Brewer also prevailed and took her medicals and $103,888 for lost earning capacity. Her non-economic damages were $650,000 over six categories (as contrasted with Linear who had five) as she had an extra $50,000 for disfigurement. Her verdict totaled $898,303 and after a reduction for fault, it totaled $718,642. Like Linear's verdict, it too was reduced to the statutory limit. The plaintiffs have both since sought an award of pre- and post-judgment interest. That motion is pending.

Case Documents:

Final Judgment/Findings of Fact

USERRA Discrimination - A long-time member of the Tennessee National Guard (he'd served nearly 20 years) did not receive preferential treatment (as required by state law) when he applied for a position as a state trooper because the state made it difficult for national guardsmen (as opposed to members from other armed forces branches) to prove he'd been in the service more than two years – the plaintiff sued and alleged this disparity and failure to offer him a position represented USERRA discrimination

Hance v. TN Department of Safety & Homeland Security, 22-1049

Plaintiff: Melody Fowler-Green, Yezbak Law Offices, Nashville

Defense: Jeffrey B. Cable and Bradford D. Telfeyan, *Assistant Attorneys General*, Nashville

Verdict: Defense verdict on liaiblity (Bench trial)

Court: **Davidson**

Judge: Thomas W. Brothers

Date: 7-18-25

USERRA (Uniformed Services Employment and Reemployment Rights Act) protects members of the military from discrimination in hiring related to their military service. It is often invoked in federal cases where a military member was called up for service and when he returned from that call up, his job no longer existed. This case had a different spin on that typical fact set, this plaintiff alleging he wasn't offered a job because of USERRA discrimination.

The plaintiff, Kelly Hance, served some 20 years in the Tennessee National Guard. This was not really disputed. In 2016 he applied for a position as a state trooper where he would be employed by the Tennessee Department of Safety and Homeland Security. The department had a policy and state law supported it that favored hiring applicants who had two or more years of military service. Hance clearly had that.

When Hance applied for the position, he had to prove that service. However the two documents the department accepted did not quantify and account for his service in the National Guard. There were technical reasons but this would not have applied to members of branches of the armed forces. This discrimination of sorts only occurred for members of the National Guard. Hance also submitted a so-called "Commander's Letter" which verified his military service. The department said it was vague.

Hance had an interview for the position. It went well and he scored highly. However he was not a preferential candidate because to the satisfaction of Homeland Security, he had not proven two years of military service. In fact the department calculated he'd only served 22 months. Interestingly the department could never explain (it still can't) why it decided he'd served only 22 months. In any event that wasn't two years and he didn't get a preference. The department filled the two open trooper positions with applicants who scored less than Hance but who were preferred. It was not disputed that if Hance was a preferred candidate, he'd have been offered a job.

Hance sued Homeland Security and alleged it engaged in USERRA discrimination in how it treated National Guard applicants. That discrimination made it almost impossible for him to prove his two years of service and receive preferential treatment. The government denied there was any discrimination and countered that

Hance had not proven his two years of service.

The case was tried in July before Judge Brothers as a bench trial. He had his opinion four days later. The court concluded that Hance had proven a prima facie case. However the court further concluded that while it was a "catch-22" of sorts for Hance, Homeland Security had a legitimate reason standing alone, i.e., vague documentation of the service, to deny Hance preferential treatment. A defense judgment was entered and Hance has taken an appeal.

Case Documents:
Plaintiff Trial Brief
Defense Trial Brief
Final Judgment

Auto Negligence - The plaintiff was injured in a parking lot collision when the defendant backed out of a parking spot and struck her vehicle – the defendant called it an "accidental bump" that was too minor to have caused a compensable injury

Glinsey v. Blades, CT-0207-20
Plaintiff: Robert A. Pope, *Reaves Law Firm*, Memphis
Defense: Dawn Davis Carson, Andrew R.E. Plunk and Abigail G. Brigance, *Hickman Goza & Spragins*, Memphis
Verdict: $14,267 for plaintiff
Court: **Shelby**
Judge: Damita J. Dandridge
Date: 8-6-25

Glenda Glinsey, age 65, was driving in a Regions Bank parking lot in Bartlett on 2-8-19. She saw a vehicle driven by Kenneth Blades that was backing up. Glinsey hit her horn to warn Blades. It didn't work. A moment later he backed into her. The collision resulted in minor damage.

As Glinsey was preparing to call the police to report the accident, she alleged Blades was rude to her. She recalled he said, "I'm just trying to help you, you old black bitch." Glinsey was offended and replied, "Accidents happen but I'm not going to be your old black bitch." The truth of this is hard to know from a review of the court record, but by motion in limine, Blades sought to exclude discussion of this conversation at trial. If the court ruled on that motion, Judge Dandridge did not reduce it to a writing.

All that aside, Glinsey was shaken at the scene and later treated for soft-tissue symptoms. Her injuries were confirmed by Dr. Apurva Dalal, Orthopedics. In this lawsuit Glinsey sought damages from Blades. He diminished the claimed injury and described the impact as just an "accidental bump."

This case was tried on damages only for three days. Glinsey took medical bills of $1,536 and $6,365 for lost wages. She took the same sum ($6,365) for her pain and suffering. The verdict totaled $14,267. A consistent judgment was entered. Blades has since moved for an award of costs as the verdict was less than his offer of judgment. The record does not reflect the amount of that offer of judgment. That motion was pending at the time the record was reviewed

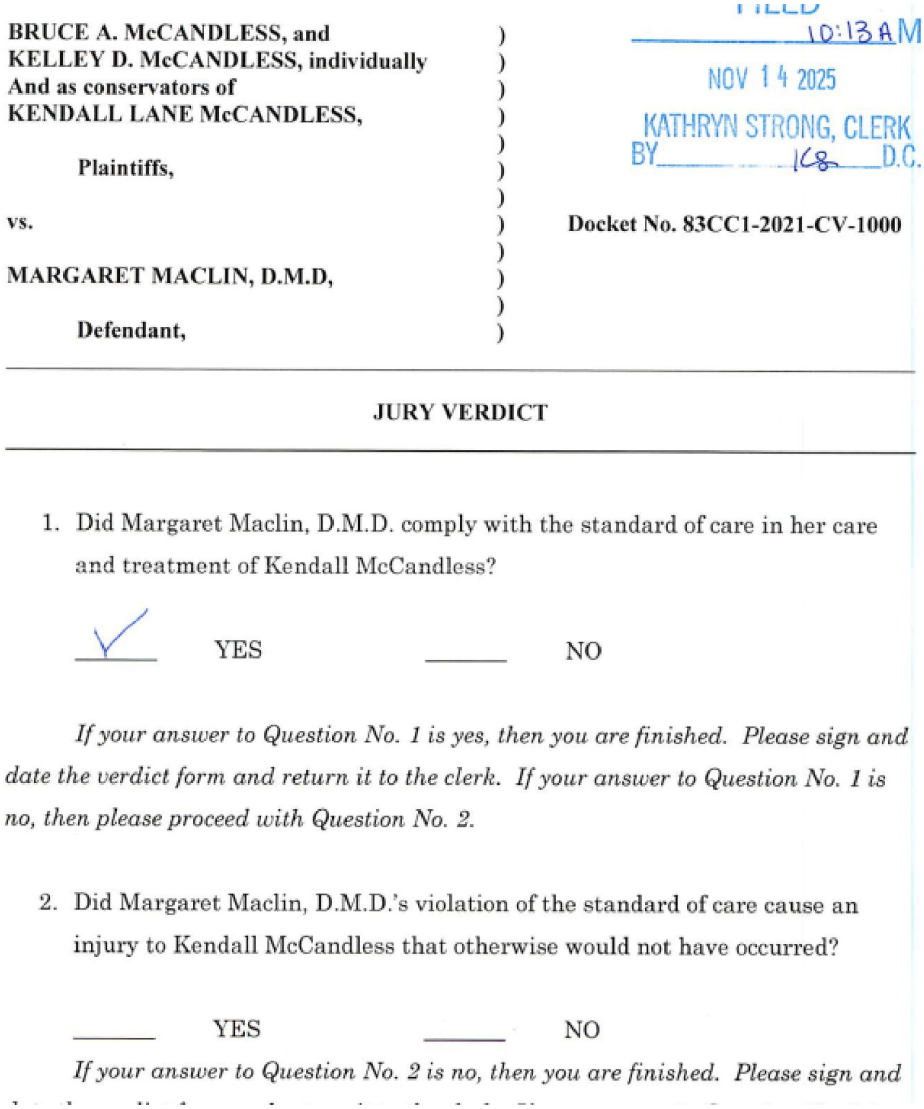
Medical Negligence - A young disabled adult sustained a second degree facial burn during a dental procedure performed under anesthesia – she alleged her dentist was careless and permitted an electrocautery device to contact her lip and face – the dentist denied fault and blamed the incident on a device malfunction

McCandless v. Maclin 21-1000
Plaintiff: Ali Toll, *The Toll Firm*, Goodlettsville
Defense: John F. Floyd, Jr. and Olivia Schuerman, *Wicker Smith*, Nashville
Verdict: Defense verdict on liability
Court: **Sumner**
Judge: Joe Thompson
Date: 11-14-25

Kendall McCandless, then age 21, underwent a routine dental cleaning on 7-10-20. She has cerebral palsy and has a complex medical history. Her disability is profound and she is wheelchair bound, non-verbal and blind. Because of those conditions what would ordinarily be a simple dental visit became more involved.

The dental cleaning was performed under general anesthesia at the Hendersonville Medical Center. McCandless's pediatric dentist was Dr. Margaret Maclin. During the procedure an electrocautery device (a so-called Bovie device manufactured by Valleylabs) came in contact with McCandless's lip and face. She suffered a second degree burn. This was a significant and painful injury.

McCandless, through her parents, pursued this claim for medical negligence against Maclin. The plaintiff's expert, Dr. Dean DeLuke, Dentist, Richmond, VA was critical of Maclin's care. If the plaintiff prevailed she sought her medicals as well as sums for loss of enjoyment of life, permanent injury and scarring and pain and suffering.



BRUCE A. McCANDLESS, and KELLEY D. McCANDLESS, individually And as conservators of KENDALL LANE McCANDLESS,

Plaintiffs,

vs.

MARGARET MACLIN, D.M.D,

Defendant,

FILED 10:13 AM NOV 14 2025 KATHRYN STRONG, CLERK BY ____ D.C.

Docket No. 83CC1-2021-CV-1000

JURY VERDICT

1. Did Margaret Maclin, D.M.D. comply with the standard of care in her care and treatment of Kendall McCandless?

✓ YES _____ NO

If your answer to Question No. 1 is yes, then you are finished. Please sign and date the verdict form and return it to the clerk. If your answer to Question No. 1 is no, then please proceed with Question No. 2.

2. Did Margaret Maclin, D.M.D.'s violation of the standard of care cause an injury to Kendall McCandless that otherwise would not have occurred?

_____ YES _____ NO

If your answer to Question No. 2 is no, then you are finished. Please sign and

The unusually worded McCandless v. Maclin jury verdict

The plaintiff also received a spoliation instruction. Why? Maclin did not retain the device in question. Maclin explained that this was improper, a nurse testifying she discarded the device in error.

The device in question was the heart of the defense. Maclin alleged it had malfunctioned. She sought to apportion fault (if she was found to have violated the standard of care) to the manufacturer, Valleylabs. Her expert was Dr. Erica Brecher, Dentist, Durham, NC. McCandless did not make a claim against Valleylabs.

The case was tried over a week and went to the jury on a Thursday afternoon. The jury didn't finish its deliberations that day. The jury returned the next day (Friday morning) and reached a verdict.

The court's instructions asked if

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
Tennessee 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: _____

_____

Return to the Tennessee Jury Verdict Reporter or use any other format to reach us with verdict news

Email to: info@juryverdicts.net

Maclin complied with the standard of care. [**Ed. Note** - This was an odd positive wording, i.e., not did she fail to comply with the standard of care, but rather did she comply with it.] The jury answered "yes" for the defendant and that ended the deliberations. The jury then didn't consider causation, whether the device was defective, apportionment or damages. A defense judgment was entered.

Case Documents:
Jury Verdict

Medical Negligence - The plaintiff alleged a medical assistant at a urology group removed a Foley catheter while it still had fluid in it which resulted in penile injury, pain, swelling, profuse bleeding and related complications – the defense replied that the catheter balloon can still have water in it that is unknown and that this was a simple complication – the case was tried a week in Knoxville and a defense verdict was returned

Wooldridge v. Urology and Urologic Surgery, 1-192-18
Plaintiff: T. Scott Jones and Baylee M. Brown, *Banks & Jones*, Knoxville
Defense: Dixie Cooper and Matthew H. Cline, *Cumberland Litigation*, Brentwood
Verdict: Defense verdict on liability
Court: **Knox**
Judge: William T. Ailor
Date: 10-27-25

Robert Wooldridge was treated for prostate disease on 3-28-17 by a urologist, Dr. Paul Hatcher. A Foley catheter was placed. Wooldridge returned to see Hatcher at Urology and Urologic Surgery (UUS) a week later to have the catheter removed. Hatcher is not a UUS employee. A medical assistant for UUS (Kiesha Harris) performed this procedure.

It did not go well. There was some seven cc of fluid in the balloon of the catheter at the time of removal. This caused Wooldridge to suffer a penile injury. He had pain, swelling and profuse bleeding. Thereafter he passed large blood clots. This was quite painful. There was evidence the urethral injury caused Wooldridge significant pain and discomfort.

In this lawsuit Wooldridge alleged negligence by the medical assistant in removing the catheter. How so? The catheter should be fully drained before it is removed. This error led to Wooldridge's injury. His liability experts were Lorie Day, RN, Keysville, GA and Dr. Mayer Grob, Urology, Richmond, VA. If Wooldridge prevailed he sought non-economic damages in two categories, pain and suffering and loss of enjoyment of life. Wooldridge's wife (Priscilla) also presented a derivative consortium claim.

UUS defended the case and explained that the catheter balloon can still have water in it unbeknownst to the person removing it. The defendant insisted that's exactly what happened here. The result was described as a complication. Wooldridge objected to that argument and noted that the defense expert had never before seen this so-called complication. The expert was Francis Doehring, RN, Nashville. UUS also called Hatcher in its defense who noted that Harris was an experienced and competent medical assistant.

The case was filed on 5-31-18. It languished for years. There was no discovery or depositions taken. UUS moved for summary judgment in July of 2023. The plaintiff then made expert disclosures and the litigation was off and running towards trial.

This case was tried over a week from a Monday to a Monday. The court's instructions asked if UUS violated the "recognized standard of care" when removing the catheter. The answer was "no" and the jury then did not reach if that error was "more likely than not" the cause of an injury that would not have otherwise occurred. There was no award of damages. At the time this report was written, no final judgment had been entered.

Case Documents:
Complaint
Plaintiff Expert Disclosure (Day)
Plaintiff Expert Disclosure (Grob)
Defense Expert Disclosure
Plaintiff Summary Judgment Motion
Defense Summary Judgment Response
Jury Verdict

Auto Negligence - The defendant (driving a cattle truck) made a wide turn from the inside lane and struck the plaintiff's vehicle

Stewart v. Donnell, 24-73
Plaintiff: Robert A. Pope, *Reaves Law Firm*, Memphis
Defense: Jay G. Bush, *Clayton-Little*, Jackson
Verdict: Defense verdict on liability
Court: **Madison**
Judge: Donald H. Allen
Date: 7-16-25

Jason Stewart was driving a 1999 Lincoln Town Car on 6-27-20. He proceeded on Highland Avenue at Pine Tree Drive in Jackson. Stewart alleged that suddenly, Andrew Donnell operating a cattle truck, made a wide turn from the inside lane and struck his vehicle.

Stewart has since treated for soft-tissue symptoms. In this lawsuit he sought damages from Donnell. As the case went to the jury, he sought those damages in a single combined line item. Donnell denied fault, implicated Stewart's look-out and diminished the claimed injury.

The jury in this case exonerated Donnell on liability and thus didn't reach the plaintiff's duties, apportionment or damages. A defense judgment was entered and the case is closed.

Auto Negligence - The plaintiff treated for a shoulder injury as well as soft-tissue symptoms after a minor rear-end collision – the jury deliberated damages only and wrote "0" for all six separate categories of damage

Lawler v. Myers et al, CT-3354-21
Plaintiff: Quinton E. Thompson, William T. Hackett and Mohammed Farraj and M. Charles Trammel, *Morgan & Morgan*, Memphis
Defense: Richard W. Wackerfus and Courtney S. Vest, *McNabb Bragorgos Burgess & Sorin*, Memphis
Verdict: Defense verdict on damages
Court: **Shelby**
Judge: Damita J. Dandridge
Date: 8-28-25

Rodney Lawler, then age 56, was stopped at a red light on 8-25-20 at the intersection of Kirby Parkway and Shelby Drive. He was driving a 2010 Nissan Maxima sedan. Nathan Myers, an employee of Pools Unlimited, was behind Lawler in traffic. Myers was driving a Ford F-350 truck.

A moment later Myers' foot slipped off the brake as he dropped his cell phone. He rolled into Lawler's vehicle. The collision resulted in minor damage. This mostly reflected the tow hook on the truck striking Lawler's rear bumper. Fault was no issue.

Lawler went to the ER at Baptist Hospital where he was treated for apparent soft-tissue symptoms. He subsequently complained of shoulder pain and underwent a surgical repair. He also had a rotator cuff injury. Finally Lawler reported TMJ symptoms, headaches and ringing in his ears. His injuries were confirmed by a plaintiff's IME, Dr. Lawrence Schrader, Orthopedics, Cordova.

In this lawsuit Lawler sought damages from Myers and his employer. He sought his medical bills and non-economic damages in five separate categories.

The defense contested the claimed injury and noted the wreck was minor. It also relied on an IME, Dr. James Varner, Orthopedics. He looked to Lawler's complex past (a 2008 shoulder surgery and a 2013 knee surgery) and degenerative conditions, and not to what he called this "low-energy" collision.

This case was tried for three days almost exactly five years after the collision. The jury wrote "0" for all six categories of damages and Lawler took nothing. A defense judgment was entered. There were no post-trial motions and the case is closed.

Auto Negligence - A family of three (mother, father and teenage son) were injured in a right of way collision on the Clarksville Pike

Porter v. Eby, 23-1806
Plaintiff: Matthew W. Pryor, *Alexander Shunnarah Injury Lawyers*, Franklin
Defense: Joseph M. Huffaker, Marietta, GA
Verdict: $23,439 for Theolana
$15,790 for Leonard
$13,745 for Leo
Court: **Davidson**
Judge: C. David Briley
Date: 10-1-25

The Porter family from Clarksville was driving to Nashville on the morning of 9-23-22. Leonard Porter, Jr., age 50, was driving. His wife, Theolana, age 48, and their teenage son, Leo, age 16, were headed to Nashville for a doctor's appointment. They traveled on Hwy 41-A which is more commonly known as the Clarksville Pike.

The Porters were just inside the Davidson County line (near Cheatham County) when Hwy 41-A moves from two to three lanes approaching Nashville. Leonard went to pass Janice Eby in the left lane at this location. Eby had missed a turn and wanted to turn around. She made a left turn (from the right lane) into a private drive just as Porter was passing her. A moderate collision resulted.

All three Porters have since treated for soft-tissue injuries including with a chiropractor. Theolana and her son were already treating with a chiropractor (they'd seen one days earlier) but they described this care as maintenance. The crash also aggravated Theolana's pre-existing conditions from her prior military service. Their injuries were confirmed by a plaintiff's IME, Dr. David West, Orthopedics.

The vehicles at the scene of this collision

In this lawsuit the three Porters sought damages from Eby. The Porters have since divorced but remained co-plaintiffs in this lawsuit. Leonard was a Clarksville fireman but now operates an audio company. Theolana is retired. Leo, a home school graduate, is an adult now and working on an adventure novel.

Eby denied fault for the wreck. She explained she was making a lawful turn when Porter struck her. Eby also diminished the claimed damages and noted Theolana had a history of being involved in several prior accidents.

This case was tried in Nashville for three days. The jury found Eby solely at fault. Leonard took his medicals of $6,090. His pain and suffering was $7,500 and the jury added $2,000 for loss of enjoyment of life. Leonard's verdict totaled $15,790.

Theolana was awarded her medicals of $5,930. Her pain and suffering was $10,000. She took $7,500 more for loss of enjoyment of life. Theolana's verdict was $23,430.

Leo took medicals of $6,175. He was further awarded $5,000 for pain and suffering and $2,300 in loss of enjoyment of life. The verdict for Leo was $13,745. A consistent judgment was entered for the plaintiffs.

Eby has since moved for a new trial and/or to remit the awards. She argued the jury's passions were inflamed by the mention of insurance. Theolana had testified when asked who was responsible for her injuries that it was the defendant's insurer. Eby also thought it unfair that plaintiff's counsel suggested in closing that Eby wasn't "driving the ship" and some sinister force was.

The plaintiffs replied that Theolana's testimony was fair. Who was fully responsible? The defendants asked and she answered. The plaintiffs also argued the damages were not excessive. The motion was pending at the time of this report.

Case Documents:
Complaint
Jury Verdict
Final Judgment
Defense Motion to Remit
Plaintiff Response to Motion to Remit

Historical Tennessee Verdicts

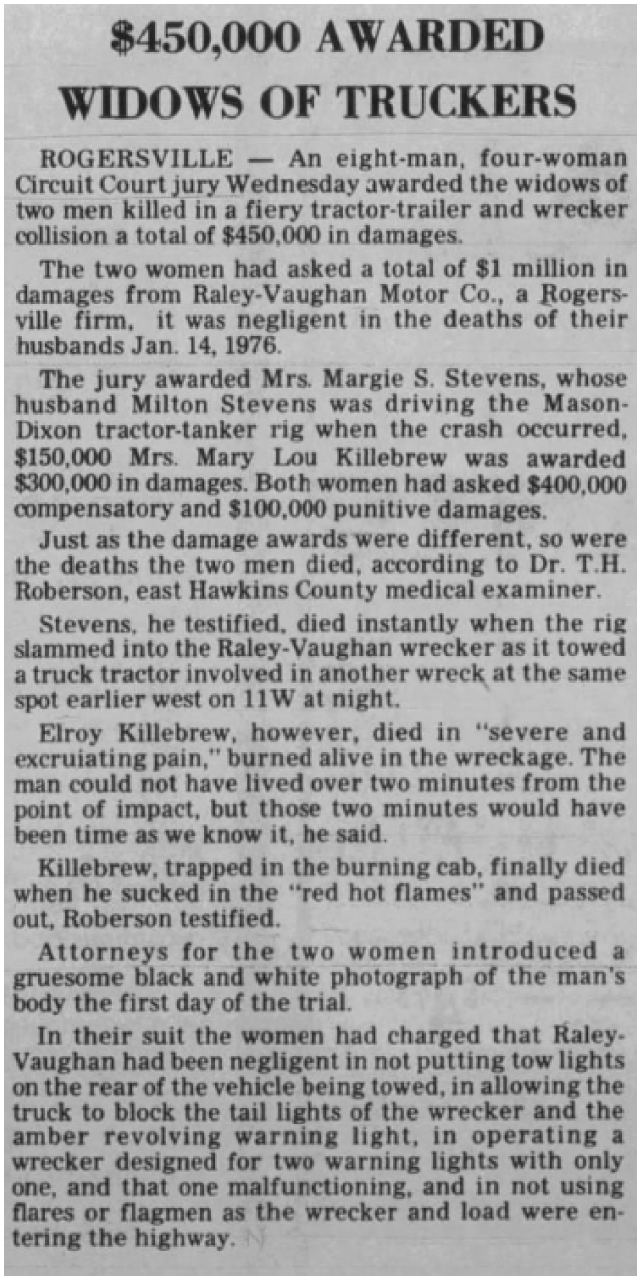
Truck Negligence - Two drivers of a tanker truck died when they struck a slow-moving wrecker (pulling a tobacco truck) that was poorly lit – one of the drivers died a gruesome and painful death in the fiery cab of the truck tractor, while the other was thrown clear and died instantly – the plaintiffs took a total of $400,000 at a 1977 jury trial which was reversed as to one verdict because of the introduction of a gruesome image of the decedent in the truck

Killebrew et al v. Raley-Vaughn
Verdict: $300,000 for Killebrew
$150,000 for Stevens
Court: **Hawkins**
Judge: Thomas Hull
Date: July 13, 1977

Milton Stevens and Elroy Killebrew were working as tanker drivers for Mason-Dixon Truck Lines on the evening of 1-14-76. They were operating a truck together and traveled on Hwy 11W headed towards Rogersville. It was a narrow road.

Also that night a Raley-Vaughn tow-truck was pulling a tobacco trailer. It was poorly lit. The tow truck was traveling at 35 mph or so. The tanker truck was at 60 mph. The tanker truck couldn't stop in time and rear-ended the tobacco trailer. It was a terrific impact and the tanker burst into flames.

Stevens was thrown 50 feet from the truck and died instantly. Killebrew was trapped in the truck. He survived for maybe two minutes. His death was described by the pathologist as horrible and painful. An image of his charred body (in a fetal position) was shown to the jury with his internal organs hanging out.



$450,000 AWARDED WIDOWS OF TRUCKERS

ROGERSVILLE — An eight-man, four-woman Circuit Court jury Wednesday awarded the widows of two men killed in a fiery tractor-trailer and wrecker collision a total of $450,000 in damages.

The two women had asked a total of $1 million in damages from Raley-Vaughan Motor Co., a Rogersville firm, it was negligent in the deaths of their husbands Jan. 14, 1976.

The jury awarded Mrs. Margie S. Stevens, whose husband Milton Stevens was driving the Mason-Dixon tractor-tanker rig when the crash occurred, $150,000 Mrs. Mary Lou Killebrew was awarded $300,000 in damages. Both women had asked $400,000 compensatory and $100,000 punitive damages.

Just as the damage awards were different, so were the deaths the two men died, according to Dr. T.H. Roberson, east Hawkins County medical examiner.

Stevens, he testified, died instantly when the rig slammed into the Raley-Vaughan wrecker as it towed a truck tractor involved in another wreck at the same spot earlier west on 11W at night.

Elroy Killebrew, however, died in "severe and excruiating pain," burned alive in the wreckage. The man could not have lived over two minutes from the point of impact, but those two minutes would have been time as we know it, he said.

Killebrew, trapped in the burning cab, finally died when he sucked in the "red hot flames" and passed out, Roberson testified.

Attorneys for the two women introduced a gruesome black and white photograph of the man's body the first day of the trial.

In their suit the women had charged that Raley-Vaughan had been negligent in not putting tow lights on the rear of the vehicle being towed, in allowing the truck to block the tail lights of the wrecker and the amber revolving warning light, in operating a wrecker designed for two warning lights with only one, and that one malfunctioning, and in not using flares or flagmen as the wrecker and load were entering the highway.

A report from 1977 jury trial in Rogersville

The case came to trial in July of 1977 before Judge Hull nearly 50 years ago. It was tried for three days. The Stephens estate took $150,000. The Killebrew estate was awarded $300,000. The verdict totaled $450,000. Raley-Vaughn moved for a new trial and objected particularly to the introduction of the gruesome photograph. Motion denied. Raley-Vaughn appealed.

The Tennessee Court of Appeals reversed a year later as to the Killebrew award. Why? The gruesome photograph had inflamed the jury, the court noting (Judge Herschel Frank writing) that the pathologist indicated he didn't need the picture to describe how Killebrew died. The award as to the Stephens estate was affirmed.

What happened next in the case? The record goes cold. The appellate opinion was apparently not published and is not available. There are no further reports on how the case was resolved. It is also unclear who were the trial attorneys.

The presiding Judge Hull was later elevated to the federal bench in 1983 by President Reagan and received senior status in 2002. He died in 2008. He was 82 and a proud WWII veteran who served at the Battle of Luzon and later at the occupation of Okinawa.

A Notable Alabama Verdict

Medical Negligence - A pediatric dentist was treated at the ER for a severe headache, nausea and vomiting – a non-contrast head CT scan was ordered and the radiologist failed to appreciate a blood clot and reported the CT scan as normal – three days later the plaintiff was back at the ER with a massive brain bleed related to the clot which left her with permanent debilitating injuries – it was undisputed that the clot led to the brain bleed and her injuries, the jury being asked to decide if the radiologist's failure to diagnose the clot was a violation of the standard of care

Madasu v. Bowling et al., 17-900333
Plaintiff: David T. "Ty" Brown, J.D. Marsh, Jr. and Richard Riley, *Marsh Rickard & Bryan*, Birmingham
Defense: George E. Knox, Jr., Jeffrey T. Kelly and Lauren B. Houseknecht, *Lanier Ford Shaver & Payne*, Huntsville and Preston S. Trousdale, *Trousdale Ryan*, Florence for Bowling
Joel A. Williams and Carmen V. Paige, *Friedman Dazzio & Zulanas*, Birmingham for Lauderdale Radiology Group (Vicarious liability)
Verdict: $7,000,000 for plaintiff against Bowling and Lauderdale Radiology
Circuit: **Florence, Alabama Lauderdale County**
Judge: Will Powell
Date: 9-24-25

Sunitha Ravi Madasu, then age 46, (she is a longtime pediatric dentist in Florence known as Dr. Ravi) reported to the Eliza Coffee Memorial Hospital ER in Florence at 8:24 in the evening of 4-22-16. She had returned from running a marathon a week earlier in Boston. Madasu reported a severe right-sided headache, nausea and vomiting. Dr. Adepapo Oduye in the ER evaluated Madasu and ordered a non-contrast head CT scan. It was performed at 10:20 p.m.

Dr. Donald Bowling, a radiologist, read the CT scan at 10:26 p.m. Bowling at the time was working days for Shoals Radiology Associates. This evening he had picked up an evening shift (it was his fourth of the month) for Lauderdale Radiology Group. Bowling read the CT scan as normal and so reported this to Oduye.

Dr. Auber will offer testimony and opinions concerning the imaging, processes, and standards of care in the practices of Diagnostic Radiology and Diagnostic Neuroradiology generally, and specifically as they pertain to the radiologic care provided to, and imaging performed on, Sunitha in connection with her April 22, 2016, hospitalization. Dr. Auber will

1

DOCUMENT 345

testify regarding his review and interpretation of the CT Head without contrast obtained during Sunitha's admission to the emergency room at ECM on April 22, 2016, and he is expected opine that this imaging revealed an abnormal hyperdensity, highly suspicious for thrombus, in the dominant right transverse dural venous sinus and also in the superior sagittal dural venous sinus. Dr. Auber is expected to opine that Dr. Donald Bowling breached the applicable standard of care by failing to identify and/or to report these findings; by failing to communicate these findings to Dr. Oduye; and by failing to recommend urgent follow-up imaging studies.

Dr. Auber will also testify regarding his review and interpretation of the imaging studies obtained during Sunitha's hospitalization at ECM on April 25, 2016. Dr. Auber will offer opinions concerning abnormalities seen on these imaging studies as well as the likely cause thereof.

Dr. Auber specifically reserves the right to offer rebuttal testimony in response to the testimony or opinions offered by any other experts, and/or to comment upon any articles or literature discussed or referenced during his own deposition, or during the deposition of any other experts who offer opinions in this case. Dr. Auber further reserves the right to present various articles and literature to corroborate and/or bolster his testimony and opinions, and/or to rebut or refute the testimony and opinions of defense experts.

Relevant portions of plaintiff expert (Auber) disclosure's on liability

41-CV-2017-900333.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAM
MISSY HOMAN, CLERK

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

SUNITHA MADASU, Plaintiff
v.
DONALD BOWLING M.D.
LAUDERDALE RADIOLOGY GROUP L.L.P.
Defendants

) Case No. 41-CV-2017-900333
) The Honorable Will Powell presiding

VERDICT FORMS
(Use One of These Two Forms)

Plaintiff Verdict

After a full and fair consideration of the evidence, We, the Jury, find in favor of the Plaintiff, Sunitha Madasu, and against the Defendants we checked below (check one):

○ Donald Bowling
⊗ Donald Bowling and Lauderdale Radiology Group L.L.P.

We assess damages at 7,000,000 dollars.

Sarah Holcomb — Foreperson
9/25/25 — Date
3:55pm — Time

Defense Verdict

After a full and fair consideration of the evidence, We, the Jury, find in favor of the Defendants, Donald Bowling and Lauderdale Radiology Group L.L.P., on all claims.

Foreperson
Date
Time

The Madasu v. Bowling jury verdict

Madasu was discharged at four in the morning with a diagnosed headache and told to follow in a few days with her primary care physician.

Bowling had missed something. There was a blood clot as evidenced on the CT scan. It is known as a dural venous sinus thrombosis (DVST). The blood clot prevents blood from draining from the brain. The condition is very serious. There was no question Bowling had failed to appreciate a bright spot in a blood vessel as a clot.

Moving forward almost three days to the evening of 4-25-22, Madasu returned to the Eliza Coffee ER at 11:09 p.m. She had suffered a seizure and her headache was much worse. Oduye was again in the ER and he ordered a CT scan. It revealed a massive brain bleed. Madasu was airlifted to Methodist Hospital in Memphis, TN.

Madasu was immediately given anti-coagulant therapy to treat the clot. She also underwent a brain surgery to evacuate the clot. The brain bleed had resulted in a permanent and debilitating brain injury. Madasu was hospitalized in Memphis for three weeks and spent three more weeks at Frazier Rehabilitation in Louisville, KY where she underwent intensive physical, occupational and speech therapy. While Madasu continues to undergo therapy, she is permanently disabled from working. Her lost wages to the time of trial were $893,558. Her medical bills totaled $575,306 of which BlueCross Blue Shield paid $110,957. Madasu would have to repay that sum if she prevailed in this lawsuit. She also incurred $55,530 in out-of-pocket medical bills.

Madasu filed this lawsuit against Bowling for misreading the CT scan and also against both his ostensible employers, Shoals Radiology and Lauderdale Radiology. It was alleged he missed clear signs of the blood clot and that this error resulted in Madasu's injuries. The plaintiff's experts were Drs. Andrew Auber, Diagnostic Radiology, San Antonio, TX, David Boyd, Radiology, Great Falls, VA, Eric Bershad, Neurology, Houston, TX and Stephen Kalhorn, Neurosurgery, Mt. Pleasant, SC. Auber indicated that the CT scan revealed a highly suspicious density that indicated a likely thrombosis and Bowling misdiagnosed it. A careful radiologist, the theory went, would have diagnosed the condition and with appropriate medications, Madasu would have enjoyed a complete recovery. Instead the

condition progressed to a massive brain bleed and the resulting permanent injury.

Bowling replied that the DVST in this case is rare in adults and is one of the least common causes of a stroke. Moreover the non-contrast CT scan used here is not the preferred diagnosis method for that condition, and in that context and based on Madasu's presentation, she did not require radiology follow-up. The defense experts were Drs. William Varnell, Radiology, Birmingham and Jeffrey Creasy, Neuroradiology, Nashville, TN.

The litigation took a detour in January of 2022. Judge Powell granted summary judgment for Shoals Radiology on vicarious liability. At the time of the read by Bowling, he was working an evening shift for Lauderdale Radiology. The court certified the judgment as final and Madasu appealed. The Supreme Court affirmed in December of 2022 (Docket Number: 1210334), Justice Wright writing for the court. The matter returned to Judge Powell and the litigation advanced to trial.

Lauderdale Radiology denied it was vicariously liable because Madasu was not its employee nor was he an independent contract. Why wasn't he an employee? He was just part-timeand was covering a few evening shifts. Moreover on the independent contractor question, Lauderdale Radiology didn't control his work in interpreting CT scans. Madasu replied that he could do two jobs as he was a Shoals employee during the day and working for Lauderdale Radiology at night.

This case was tried for ten days in Florence. It was heard by a jury almost ten years after Madasu first reported to the ER. As the case was concluding, Madasu moved for a judgment as a matter of law on causation. She argued that there was no dispute that the brain bleed was caused by the clot. Thus while the standard of care remained hotly contested, there was no question on causation. Judge Powell agreed and granted the motion. Lauderdale Radiology also moved for a judgment as a matter of law on vicarious liability. That motion was denied.

The case then went to the jury on a Wednesday. The jury returned a verdict on liability against both Bowling and Lauderdale Radiology. Madasu's damages were valued at $7,000,000. A consistent judgment was entered by the court. At the time of this report (three weeks post-trial), no final judgment had been entered. This report appeared in the November 2025 edition of our sister publication, the Alabama Jury Verdict Reporter.

Case Documents:

Complaint
Plaintiff Expert Disclosure
Defense Expert Disclosure
Summary Judgment Order
Defense Motion for a Judgment as a Matter of Law (*Motion made by Lauderdale Radiology*)
Plaintiff Judgment as a Matter of Law Response
Plaintiff Judgment as a Matter of Law on Causation
Jury Verdict

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