

breathing. He stayed on the line with Williamson for 17 minutes while she instructed him on trying to revive Charlotte.

Two police officers finally arrived approximately forty minutes after Walter's initial call to 911. By then it was too late. Charlotte had died of a heart attack. The EMTs had arrived some four minutes before her death, but they had not entered the home and had rendered no care to her.

Charlotte's estate (administered by Walter) filed suit against AEMS, Williamson, and Calhoun County 911. The estate eventually settled with Williamson and Calhoun County 911 for \$295,000 and dismissed them from the case.

The litigation proceeded thereafter solely on the estate's claim for wrongful death against AEMS. According to the estate, if the EMTs had arrived promptly, they could have rendered life saving care to Charlotte and she probably would not have died. The identified experts for the estate included Dr. Gerald Gowitt, Forensic Pathology, Decatur, GA.

AEMS defended the case and insisted they had followed correct protocols by having the EMTs wait to enter the house until the police had cleared it for their safety. Defendant blamed the delay on Walter for becoming belligerent on the phone to Williamson and thus creating a legitimate concern for the EMTs' safety. Furthermore, defendant argued there was no evidence that Charlotte would have survived even if there had been no delay in the arrival of the EMTs.

The case was tried in Anniston, and the jury returned a verdict for the estate in the amount of \$6,295,000. There were two interesting features of the verdict. First, the entire award was for punitive damages with no mention being made of compensatory

damages.

Second, the jury form indicated a credit for the \$295,000 payment the estate had received from Williamson and Calhoun County 911. Thus, after finding the estate's total damages to be \$6,295,000, the jury itself applied the credit and reduced the award to \$6,000,000. If the court entered a judgment, it was not part of the record at the time the AJVR reviewed it.

Case Documents:

[Defense Trial Memorandum](#)

[Defense Summary Judgment Motion](#)

[Jury Verdict](#)

Auto Negligence - Plaintiff claimed to have suffered soft-tissue injuries in a four-vehicle chain-reaction crash that began when plaintiff was rear-ended by defendant; the jury returned a defense verdict

Coleman v. Atkins, 20-901875

Plaintiff: Zachary P. Trader and Carson S. Hale, *Slocumb Law Firm, LLC.*, Birmingham

Defense: Amanda Graham, *Gaines Gault Hendrix, P.C.*, Birmingham

Verdict: Defense verdict

Circuit: **Jefferson**, 10-18-22

Judge: Jim Hughey, III

On 9-13-19, Andre Coleman was driving on Hwy 280 in Jefferson County. In front of him was a vehicle being driven by Minori Washington, and in front of Washington was a vehicle being driven by Chad Payne. At the same time, Patrick Atkins was driving behind Coleman.

There would be disputes about what happened next. According to Coleman, Atkins rear-ended him at the intersection with the I-459 access bridge. That impact pushed Coleman, in turn, into the rear of Washington's vehicle, and Washington was then pushed into the rear of Payne's vehicle.

Coleman claimed to have suffered soft-tissue injuries to his neck, back, and knees that he attributed to the crash. He treated conservatively and followed a course of physical therapy for two months before being discharged. Coleman does not claim any lingering injuries. His medical expenses came to approximately \$15,000.

Coleman filed suit against Atkins and blamed him for rear-ending him and thus setting off the four-vehicle crash. In addition to his claim for negligence, Coleman also made a claim for wantonness against Atkins and a separate underinsured motorist claim against Southern Pioneer Property & Casualty Insurance Company.

Coleman later voluntarily dismissed his claim for wantonness. Also, Southern Pioneer opted out of the case. The litigation proceeded thereafter solely on the negligence claim. Atkins defended the case and provided his own account of how the crash happened.

According to Atkins, Coleman had made contact with the rear of Washington's vehicle before Atkins had collided with Coleman. Based on that account, Atkins implicated Coleman's contributory negligence in causing the crash. For his part, Coleman denied Atkins's allegations and insisted he had been completely stopped when Atkins ran into him.

The case was tried for three days in Birmingham. In closing arguments Coleman's counsel asked the jury to award Coleman damages of \$45,000. The jury deliberated approximately three hours before returning a verdict for Atkins. The court closed out the case with the entry of a defense judgment.

Case Documents:

[Final Judgment](#)