

and disfigurement and another \$80,000 for lost income.

The verdict totaled \$725,000. The court entered a judgment for that amount, and the judgment has been satisfied.

Case Documents:

[Defense Summary Judgment Motion](#)
[Final Judgment/Jury Verdict](#)

Civil Rights - After going on a bender at the Rattlesnake Saloon and getting arrested on disorderly conduct charges, the plaintiff was housed at the local jail – he was placed in a restraint chair, and after asking to go to the bathroom and being ignored, he urinated on himself – the plaintiff alleged jail guards tasered and pepper-sprayed him in retaliation

Robbins v. Colbert County Jail,
3:20-1115

Plaintiff: Henry F. Sherrod, III,
Florence

Defense: J. Randall McNeill and
Joshua A. Willis, *Webb McNeill*
Walker, Montgomery, AL

Verdict: Defense verdict on liability
Federal: **Huntsville**, 5-11-22

Judge: Madeline H. Haikala

Matt Robbins was drinking on the evening of 8-3-18 at the Rattlesnake Saloon in Tuscumbia, AL. He was drunk. Robbins was so drunk, in fact, that he was arrested on drunk and disorderly conduct charges. Robbins was transported to the Colbert Count Jail.

Because of his intoxicated status, Robbins was placed in a restraint chair for his own protection. A short time later Robbins had to urinate, and he explained this to jailers. They ignored him. Robbins then proceeded to urinate on himself.

Robbins alleged that in retaliation a team of jailers consisting in Michael Williams, Josh Smith, and Michael Smith, engaged in excessive force. That included tasering

Robbins in the “stun mode” and pepper-spraying him. Robbins believed the jailers acted aggressively in retaliation for his having urinated on himself. Robbins was released from the jail the next day.

Based on this version of the facts, Robbins sued the deputy jailers and alleged their conduct (tasering and pepper-spraying him) represented excessive force. He also alleged that one or more of the defendants (he wasn’t sure which of them it was) had failed to intervene to protect him. The jury could award Robbins compensatory and punitive damages.

This theory was all based on Robbins’ version of events. The deputy jailers believed his version was wildly incorrect. In fact one of the defendants wasn’t even on duty at the time of the incident. What, then, had happened? The defense explained that Robbins was pepper-sprayed on the way to the jail and then tasered upon his arrival. This was because of his unruly behavior and was entirely reasonable. The defendants flatly denied abusing Robbins.

This case was tried for two days. The jury’s verdict was for the defendants on the excessive force counts, and Robbins took nothing. A defense judgment was entered.

Case Documents:

[Pretrial Order](#)
[Jury Verdict](#)

Auto Negligence - An elderly plaintiff claimed to have suffered a SLAP tear in a rear-end crash; defendant admitted fault for the crash but pointed to plaintiff’s delay and treatment and lengthy medical history as a basis for denying that the SLAP tear was caused by the crash

Mabrey v. Phillips, 19-901258

Plaintiff: Champ Lyons, III, *Champ Lyons, III, P.C.*, Birmingham

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

Verdict: Defense verdict

Circuit: **Shelby**, 4-26-22

Judge: Patrick E. Kennedy

On 1-4-18, William Mabrey, then age 70, was driving north on Pelham Parkway in Shelby County. Behind him and also traveling north was a vehicle being driven by Jeremy Phillips. Mabrey stopped for a red light at the intersection of CSX Railroad and Stonehaven Trail.

At just that moment Phillips glanced away from the road to change a song on his phone. When he looked back at the road he realized traffic ahead of him had stopped. Phillips slammed on his brakes but was unable to stop in time. He rear-ended Mabrey at a speed that Mabrey later estimated as being at least 45 mph.

Phillips explained to the investigating police officer that just before the crash he had looked in his rear-view mirror because he had something in his eye. Phillips later admitted this story was a lie and that he had told it to the officer in an effort to avoid getting a ticket.

In the meantime, Mabrey claimed to have sustained injuries to his left shoulder, left hip, and lower back. Despite this, he delayed seeking medical treatment for some thirty-four days. Mabrey was ultimately diagnosed with a left SLAP tear – i.e., an injury to the ring of cartilage

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surrounding the socket of his left shoulder.

Mabrey underwent surgery for his shoulder injury. His incurred medical expenses totaled \$63,965. Despite the surgery, Mabrey complains of ongoing pain in his left shoulder.

Mabrey filed suit against Phillips and blamed him for causing the crash. If successful, Mabrey sought both compensatory and punitive damages. Phillips ultimately admitted fault for the crash at trial. The defense focused on the issue of causation.

Specifically, Phillips noted that Mabrey had a history of pre-existing conditions that involved multiple surgeries. Additionally, Mabrey had been treating with a pain management specialist in the months leading up to the crash and had complaints of pain in all parts of his body. Given these facts, plus the delay in Mabrey's initial treatment, Phillips argued Mabrey had not proven the SLAP tear was caused by

the crash.

The case was tried for two days in Columbiana. During closing arguments Mabrey asked the jury to award him \$500,000 in compensatory and punitive damages. The jury deliberated less than one hour before returning a verdict for Phillips, Mabrey thus taking nothing. The court entered a defense judgment.

Case Documents:

[Jury Verdict](#)

Auto Negligence - Plaintiffs (a driver and her passenger) were injured in an intersection crash that happened when defendant slid on wet pavement through a red light; defendant blamed the crash on plaintiff for entering the intersection despite her admitted realization that defendant wasn't going to stop

Letson, et al. v. Cochran, 18-900260

Plaintiff: S. Drew Barnett, *Belt & Brunner, P.C.*, Birmingham

Defense: Shelley Lewis, *Gaines Gault Hendrix, P.C.*, Huntsville

Verdict: Defense verdict

Circuit: **Lauderdale**, 5-11-22

Judge: Benjamin R. Graves

In the morning of 5-24-17, Barbara Letson had dined with Peggy Sutton at the Bojangles restaurant at 109 Cox Creek Parkway in Florence. Having finished their meal, Letson and Sutton planned to visit the Lowe's store that was across the street.

The two women climbed into Letson's 2011 GMC Terrain compact SUV and proceeded along a private drive toward their destination. Letson was driving, and Sutton was riding along as her front seat passenger. It had been raining earlier that day, and the streets were wet.

At the same time, Zachary Cochran, then age 16 and a student at Muscle Shoals High School, was driving in the same area in a 2006 Honda Ridgeline pickup truck. Cochran was on his way home after having dropped off some employment related documents at the Sky Zone trampoline park. One of Cochran's friends was riding with him as a passenger.

Letson stopped for a red light at the intersection of Cox Creek Parkway and the private drive she had been on. She saw Cochran approaching the intersection on a green light at a speed that she