

left upper extremity and a 15% permanent partial impairment to his whole person.

Blankenship filed suit against Matthews and blamed him for causing his injuries. Blankenship's theories included negligence and wantonness. Matthews defended the case and minimized Blankenship's claimed damages.

The case was tried in Decatur. The court dismissed the wantonness claim, and the jury deliberated only the surviving negligence claim. The jury returned a verdict for Matthews, and the court entered a defense judgment.

Auto Negligence - Plaintiff claimed to have suffered injuries when the vehicle in which she was riding as a passenger was rear-ended; plaintiff prevailed at trial but was awarded only a small fraction of the damages she had requested

Payne v. Bowen, 16-900737

Plaintiff: Kirby D. Farris, *Farris Riley & Pitt, LLP.*, Birmingham

Defense: Amanda G. Kisor and Ronald J. Gault, *Gaines Gault Hendrix, P.C.*, Birmingham

Verdict: \$1,000 for plaintiff

Circuit: **Etowah**, 2-12-19

Judge: William B. Ogletree

On 10-7-14, Rhonda Jenkins was driving on Gilbert Ferry Road in Attala. Jenkins's niece, Brandy Payne, was riding with her as a passenger. Traveling behind them and heading in the same direction was a vehicle being driven by Daniel Bowen.

At some point Jenkins stopped for traffic light. At just that moment Bowen dropped his lighter while attempting to light a cigarette, and he bent over to pick up the lighter. When he looked back up, he saw Jenkins had stopped ahead of him.

Bowen was unable to stop in time,

and he rear-ended the Jenkins vehicle. Bowen would later estimate his speed as having been around 50 mph. Payne went to the ER immediately after the crash. The record does not reveal the amount of her medical expenses.

Payne filed suit against bone and blamed him for causing the crash. Her theories included negligence and wantonness. Although Payne did not name her UIM carrier, Allstate Insurance Company, as a co-defendant, Allstate subsequently intervened in the case.

After intervening, Allstate opted out. Bowen stipulated that he was at fault for the crash. However, he disputed the extent to which he was responsible for Payne's pain. Specifically, Bowen sought to attribute Payne's injuries to the effects of a previous crash.

The case was tried in Gadsden. Payne requested the jury awarded her damages of \$225,000. Bowen suggested a more appropriate award would be \$9,000. Instead, the jury returned a verdict for Payne in the amount of \$1,000. The court entered a judgment for that amount.

Battery - Plaintiff claimed he was injured when a coworker started a fist fight with him at their workplace; the jury found for the defense

Murrell v. Billups, 15-900753

Plaintiff: U.W. Clemon and Rodrick Barge, *White Arnold & Dowd, P.C.*, Birmingham

Defense: Adrian B. Dunning, *A. B. Dunning, LLC.*, Birmingham

Verdict: Defense verdict

Circuit: **Jefferson**, 10-3-18

Judge: Tamara Harris Johnson

13-25-13, Randall Murrell was present at the building where two companies operated in Birmingham. One of the companies was Brothers Recycling Company, which bought

recyclables and resold scrap metal. The other company was Daveco, which processed and transported the scrap metal on behalf of brothers.

That day, Terry Billups was also in the building. While Murrell worked for Daveco as a truck driver, Billups was his supervisor who handled the office software and did some bookkeeping.

For reasons not explained in the record, a fist fight broke out between Murrell and Billups. When the fight ended, Murrell required treatment at the ER at St. Vincent Hospital. Billups was arrested and later convicted.

Murrell filed suit against Billups and blamed him for starting the fight. Murrell's theories included assault, battery, wantonness, and outrage. Murrell also named Brothers and Daveco as co-defendants. Finally, Murrell also sought workers compensation benefits.

The court granted summary judgment in favor of Brothers and Daveco and dismissed them from the case. The litigation proceeded thereafter solely against Billups. He defended the case and denied any wrongdoing.

At trial in Birmingham, the court entered a judgment as a matter of law in favor of Billups on the outrage claim. The jury considered the remaining claims and returned a verdict in favor of Billups. The court entered a defense judgment.