

FAVORABLE VERDICT IN NEW JERSEY JURY TRIAL

Kentucky + Indiana - Ward, Hocker & Thornton, PLLC

WHT partner Ashley Brown secured a favorable verdict in a New Jersey premises liability jury trial. The Plaintiff fell over a beer display pallet in a retail liquor store, sustaining severe and permanent nerve damage to his dominant hand. Medical evidence indicated that Plaintiff underwent two surgeries with minimal relief and has permanent impairment with the use of his hand. Plaintiff and his wife filed suit against the retailer on a theory of negligence, seeking damages for the injury as well as the wife's consortium. Following discovery, Ashley Brown was retained as lead trial counsel, defending on comparative fault and seeking to keep the damages award reasonable. Trial was held over four days in Morristown, New Jersey with both parties presenting testimony of engineers on the factors which contributed to the fall. Plaintiff's expert theorized that the pallet created a tripping hazard in violation of the store's own policies. The defense expert emphasized the human factors and Plaintiff's

own inattention which contributed to the fall. Plaintiff also presented medical proof as well as testimony of a damages expert who opined on Plaintiff's impairments. The defense did not dispute the injury or permanency, simply asking the jury to return a reasonable award.

After deliberating, the jury returned a verdict finding Plaintiff 50% at fault for his damages and awarding \$150,000 for Plaintiff's injury claim and no compensation for the consortium claim. The amount of the award will be reduced by Plaintiff's fault and comes in at half the amount of the last offer which was rejected. The final demand had been \$650,000.

Ashley Brown is based in the firm's Lexington office, but regularly practices across venues in Kentucky and Indiana. Ashley manages a trial team at WHT and serves as national trial counsel for multiple carriers.

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