

and it noted that in the last 30 years, there was no proof anyone fell on the step. Wendy's also noted there was a prominent yellow and black industrial type "Caution-Watch Your Step" sign that hung above the step.

This case was tried for three days in Nashville. The jury found Wendy's was not at fault and Jones took nothing. A defense judgment was entered by the court.

Case Documents:

[The Jury Verdict](#)

[The Final Judgment](#)

Truck Negligence - The plaintiff complained of a neck injury after being sideswiped by a dump truck – however at the scene of the wreck, the plaintiff was "fine" and went on to work a full 12-hour shift, the neck pain only starting a few days later

Vernon v. Lynn Logistics, 14-347
Plaintiff: Jonathan L. Griffith and Chris Coyne, *GriffithLaw*, Franklin
Defense: Karen G. Crutchfield, Knoxville and Brent A. Morris, Nashville both of *Wimberly Lawson Wright Daves & Jones*

Verdict: \$422,278 for plaintiff

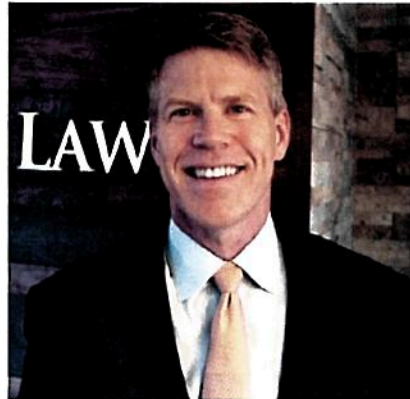
Court: Robertson

Judge: Ross H. Hicks

Date: 11-22-17

Larry Vernon, then age 66, was on the way to work at Unipress on the afternoon of 10-15-13. He was driving a work van he uses as a part-time carpet installer. As Vernon proceeded on Hwy 49, he entered the intersection with Central Avenue.

At this location, a dump truck driven by James Beard for Lynn Logistics, made a right-hand turn into the merge lane. Beard swung wide in his truck and entered Vernon's lane. As Beard did so, his truck sideswiped Vernon's van. The collision resulted



Jonathan L. Griffith for the plaintiff

in very minor damage. Vernon said at the scene he was "fine" and he went on to work and finished a 12-hour shift.

Over the next 48 hours, Vernon began to experience right-sided neck pain and numbness in his arm. He first saw his primary care doctor and then was referred to a neurosurgeon, Dr. Arthur Ulm. Ulm instituted a course of conservative care, but ultimately decided Vernon needed a C3-6 fusion surgery. The procedure was performed on 9-24-14 (almost a year after the wreck) and the incurred medical bills were \$132,278.

Vernon sued Beard and his employer and alleged negligence regarding this crash. As the case went to the jury, Vernon's lawyer asked for a total verdict of \$382,278.

Lynn Logistics defended on several fronts. They included that, (1) the impact was a mere sideswipe and inadequate to cause injury, (2) there was no injury at the scene, (3) Vernon worked his full 12-hour shift without pain, and (4) Beard had a C1-2 fusion two years before this crash.

The defense theories were buttressed by two experts. The first was an IME, Dr. Tarek Elalalyi,

Orthopedics. The expert linked Vernon's complaints to severe degenerative disc disease that predated the collision. A second expert, Torrence Welch, Biomechanics, explained the collision occurred at 4 mph or so which was just barely enough force to "make a bobblehead bobble." It certainly could not result in personal injury.

As this case prepared for trial, the parties made attempts to settle the matter. The defense had offered \$70,000. Vernon wanted \$150,000. There was no deal.

The matter proceeded to trial in Springfield. The jury considered damages only and awarded Vernon his medicals as claimed (\$132,278) plus \$120,000 for both pain and suffering and loss of ability to enjoy life. The jury added \$60,000 more for each of those categories in the future.

Vernon took \$50,000 more for permanent injury. The verdict totaled \$422,278. A consistent judgment was entered by the court.