Defense Verdict Achieved in Radiology Case

Tommy Keene and Grant Sexton received a defense verdict on behalf of their radiology client in the Circuit Court of Montgomery County. The Plaintiff alleged that the Defendant misidentified a liver tumor which, in turn, delayed treatment for liver cancer by one year. The tumor was classified as a benign hemangioma by the radiologist when, in fact, it turned out to be hepatocellular cancer. The one-year delay allowed the tumor to double in size and spread to both lobes of the liver. Thus, the Plaintiff alleged that the patient was deprived of a surgical cure for her liver cancer. When the cancer was diagnosed, the patient received chemotherapy and other therapy but was no longer a surgical candidate nor a liver transplant candidate. She died from her disease, and the wrongful death suit followed.

At trial, Plaintiff’s counsel asked the jury to return a ten-million-dollar verdict. The jury returned a defense verdict even though the Defendant radiologist acknowledged in hindsight that he should have at least recommended further testing and should not have classified the tumor as a benign hemangioma.

Landon Eley Joins Rushton Stakely Law Firm

Rushton Stakely is pleased to announce that Landon Eley has joined the firm as an Associate in the commercial real estate department. Prior to joining Rushton Stakely, Landon

practiced in a Montgomery firm for several years, focusing on civil defense litigation. He also assisted in drafting successful appellate briefs for the Alabama Court of Civil Appeals and Alabama Supreme Court.

Landon received his Bachelor of Arts degree from the University of Alabama, and his Juris Doctorate from Cumberland School of Law. He is admitted to practice in all Alabama State Courts, as well as the U.S. District Courts for the Northern, Middle, and Southern Districts of Alabama.

Shegon Named Fellow of the Alabama Law Foundation

Rushton Stakely is pleased to announce that Pat Shegon has been named a Fellow of the Alabama Law Foundation. In 1993, the Foundation established its Fellows Program to honor lawyers who have made significant contributions to the legal profession and to their communities. Fellows are nominated by their peers in recognition of their accomplishments, and election is limited to no more than one percent of members of the Alabama State Bar.

The Alabama Law Foundation is an organization that helps improve the administration of justice by educating communities about legal issues and making annual grants to organizations that provide free legal aid to those in need. Since its inception, the Foundation has awarded over $20 million in grants for charitable projects related to its mission.

Mr. Shegon is a shareholder of Rushton Stakely where he has practiced law for almost twenty-five years. He has been recognized repeatedly for his outstanding achievements in the

legal field. In addition to his professional accomplishments, he has also served on a number of local charitable boards.

J C Love Appointed as Montgomery County Probate Judge

Congratulations to J C Love for his appointment as the new probate judge of Montgomery County. On November 15th, Governor Kay Ivey signed Love's appointment letter, and he was sworn into office later that day. Love has been an attorney with Rushton Stakely since 2013 where he has practiced civil litigation with an emphasis on medical malpractice, insurance defense, professional liability, and economic development. Love is a graduate of Morehouse College and Boston College Law School, and he practiced law in Atlanta before joining Rushton Stakely. We congratulate J C and extend our best wishes as he assumes his new responsibilities.



Rushton Stakely Named as Finalist in 2019 River Region Ethics in Business & Public Service Awards

Rushton Stakely has been named as a finalist for the 2019 River Region Ethics in Business & Public Service Awards, Large Business Category. The Samaritan Counseling Center, Inc. sponsors the Ethics in Business awards program to help foster ethical professional conduct of businesses in the community. Each year, The Samaritan Counseling Center partners with Auburn University Montgomery to select organizations that help fulfill this mission. Businesses are nominated by a third party based on their long-standing reputation for professionalism through volunteerism, community service, employee health and safety, and diversity. Once nominations are received, AUM faculty and students conduct in depth interviews of all nominees, and they select three finalists for each business category. Rushton Stakely is thrilled to have been selected as a finalist for this award. To even have been nominated is an extraordinary honor.

Rushton Stakely was established in 1890, and since that time, the firm has placed high emphasis on ethics and professionalism. Through hard work, devotion to detail, and forceful advocacy, we've earned the respect of our peers nationwide, and a reputation for service, quality, and achieving results for our clients. We aren't just dedicated to our clients. We are also committed to our community. As such, we find it very humbling to have been nominated for the Ethics in Business Award.

Keene Appointed as Chairman of UA President’s Cabinet

Thomas H. Keene, our President, currently serves as Chairman of the President’s Cabinet at the University of Alabama. He previously has served as Chairman of the Selection Committee and as a member of the Executive Committee of the Cabinet.

The President’s Cabinet is by invitation only and is limited to three hundred members. Their mission includes not only advising the President of the university as needed, but also the funding and administration of scholarships to worthy students as well as the recruitment of academically gifted students. This very proud organization has existed for forty-five years and continues to support primarily academic activities of the University of Alabama.

Alabama Supreme Court Affirms Dismissal of Patronage Capital Suit Against Electric Cooperative

In a decision that affects at least 13 other putative class action cases pending in Alabama circuit courts, the Alabama Supreme Court affirmed the dismissal of a putative class action claiming that Alabama cooperatives could not utilize

patronage capital credits under Alabama law. Recherche, LLC v. Baldwin County Electric Membership Corporation, No. 1171144. The Recherche decision affirms the long-standing and widely accepted practice of allocating patronage capital credits to members of electric cooperatives. The Court relied heavily on the case of Caver v. Central Alabama Electric Cooperative, 845 F.3d 1135 (11th Cir. 2017) which was defended by Rushton Stakely attorneys Dennis Bailey, Evans Bailey and Mac Freeman with the assistance of Ted Jackson and Chris Simmons. The Rushton Stakely team of Dennis Bailey, Chris Simmons and Evans Bailey also submitted a friend of the court brief on behalf of the Alabama Rural Electric Association of Cooperatives in Recherche.

Freeman Wins Defense Verdict – Upshaw v. Washington

Mac Freeman obtained a defense verdict in the Circuit Court of Russell County, Alabama on behalf of his client in a motor vehicle accident that occurred in Phenix City, Alabama. The plaintiff claimed that Mr. Freeman's client struck the side of the plaintiff's vehicle. The T-bone collision rendered both vehicles a total loss. Plaintiff asserted various personal injuries as a direct result of the collision.

Plaintiff sued Mr. Freeman's client alleging that she negligently and wantonly caused the accident. In addition, the plaintiff sued the parents of the minor driver involved in the accident, alleging that they negligently entrusted the vehicle to their teenage daughter. Mr. Freeman successfully

argued that the negligent entrustment claim should be dismissed, which it was during the course of the trial. As it related to the remaining claims directly against the driver, the plaintiff asserted that the defendant was the only party at fault for the accident. The plaintiff claimed various bodily injuries, including head injuries, neck and shoulder injuries, and injuries to her upper back. During the course of trial, plaintiff introduced testimony of medical providers who offered their opinions that plaintiff's injuries were the direct result of the subject accident. In defense of these claims, Mr. Freeman asserted that the teenage driver was not at fault for the accident and instead, the plaintiff was traveling at an excessive speed and was not paying attention to her surroundings. Or, in the very least, Mr. Freeman contended that the plaintiff's own conduct constituted contributory negligence and as such, her claims should be barred. The case was submitted to the jury and after deliberation, the jury returned a verdict in favor of the defendant driver (Mr. Freeman's client) on all claims.

The case was tried before the Honorable David Johnson in the Circuit Court of Russell County, Alabama (57-CV-2017-900307).

Royal Dumas & Morgan Chappell Join Rushton Stakely Law Firm

Rushton Stakely is pleased to announce that Royal Dumas and Morgan Chappell have joined the firm. Prior to joining Rushton Stakely, Mr. Dumas practiced in a Montgomery firm primarily focused on corporate representation. He has litigated a wide range of civil cases with an emphasis in defending complex commercial, funded and unfunded pension plans, aviation, and

professional malpractice claims. His experience in this area includes litigation of individual cases, multi-district and class action litigation, both at the local and national level. Mr. Dumas graduated from Hartt School of Music with a Bachelor of Music degree in Classical Guitar Performance; from Southern Methodist University with a Master of Music in Classical Guitar; and from the University of Alabama School of Law, where he served on the Alabama Law Review and as the Co-Chair of the Campbell Moot Court Board.

Mrs. Chappell practices civil litigation with an emphasis on corporate and business litigation and labor and employment law. After graduating from law school, Mrs. Chappell clerked for a Circuit Court Judge in South Carolina and later practiced in another Montgomery firm. Mrs. Chappell received her Bachelor of Arts degree, *magna cum laude*, from Clemson University and her Juris Doctorate, *cum laude*, from The University of Mississippi School of Law, where she served as an Executive Editor of the *Mississippi Law Journal*.

Garrett Wins Defense Verdict – Moore v. Shaul

R. Brett Garrett obtained a defense verdict in the Circuit Court of Chilton County, Alabama on behalf of his client in a motor vehicle accident that occurred in Clanton, Alabama. The case involved a motor vehicle collision that occurred on 7th Street North near the intersection of 1st and 2nd Streets North. Mr. Garrett’s client struck the rear of Plaintiff’s vehicle. Mr. Garrett’s client acknowledged that his attention was diverted from the roadway immediately prior to impact.

Plaintiff sued Mr. Garrett’s client alleging that he acted negligently and wantonly in causing the accident. Mr. Garrett obtained dismissal of the wantonness claim via dispositive motion prior to trial. Mr. Garrett defended Plaintiff’s claims without affirmative defense arguing that his client’s actions prior to the accident were reasonable under the circumstances and did not amount to negligence. Plaintiff claimed bodily injury including concussion, neck/shoulder injury and back injury. Plaintiff introduced testimony of her treating physical medicine/rehabilitation specialist who offered his medical opinion that Plaintiff’s injuries were directly caused by the subject accident.

The jury returned a verdict in favor of Mr. Garrett’s client. The case was tried before the Hon. Ben A. Fuller. (Circuit Court of Chilton County, Alabama – CV-2018-900003)