Seventeen Rushton Stakely Attorneys Recognized in Best Lawyers for 2020

Rushton Stakely is pleased to announce that seventeen of our attorneys were chosen for the 2020 edition of *The Best Lawyers in America*©. The selected lawyers are: **Dennis R. Bailey**, Bet-the-Company Litigation, Commercial Litigation, Communications Law, Litigation – Banking & Finance, Litigation – Intellectual Property, Litigation – Labor & Employment, Litigation – Real Estate, and Product Liability Litigation – Defendants; **Jeffrey W. Blitz**, Real Estate Law; **L. Peyton Chapman III**, Mass Tort Litigation / Class Actions – Defendants, Medical Malpractice Law – Defendants; **William I. Eskridge**, Real Estate Law; **Alan T. Hargrove, Jr.**, Insurance Law, and Litigation – Insurance; **William S. Haynes**, Medical Malpractice Law – Defendants, and Personal Injury Litigation – Defendants; **R. Austin Huffaker, Jr.**, Appellate Practice; **J. Theodore Jackson, Jr.**, Litigation and Controversy – Tax, Tax Law, Trusts and Estates; **Paul M. James, Jr.**, Personal Injury Litigation – Defendants; **Thomas H. Keene**, Medical Malpractice Law – Defendants, and Personal Injury Litigation – Defendants; **Daniel L. Lindsey, Jr.**, Tax Law, and Trusts and Estates; **Patrick M. Shegon**, Medical Malpractice Law – Defendants; **Christopher S. Simmons**, Litigation & Controversy – Tax, Employee Benefits (ERISA) Law, Public Finance Law, Tax Law, and Trusts and Estates; **Frank J. Stakely**, Medical Malpractice Law – Defendants, and Personal Injury Litigation – Defendants; **Fred W. Tyson**, Medical Malpractice Law – Defendants, and Personal Injury Litigation – Defendants; **Helen Crump Wells**, Tax Law, and Trusts and Estates; **Benjamin C. Wilson**, Litigation – Healthcare, and Litigation – Labor & Employment.

For over 30 years, *Best Lawyers*® has been regarded as the definitive guide to legal excellence in the United States.

Inclusion in the *Best Lawyers*® list is based on a rigorous national survey of leading U. S. attorneys, and *Corporate Counsel*® magazine has called *Best Lawyers*® "the most respected referral list of attorneys in practice." We are proud that seventeen of our attorneys were recognized with this distinguished honor.

Bailey Wins Two Appeals Before the Alabama Supreme Court

Evans Bailey recently won two appeals before the Alabama Supreme Court.

In the first case, the appellate court reversed the lower court's judgment that Mr. Bailey's client owed over $100,000 in post-judgment interest in an attorney's fee dispute. The Court found that the underlying judgment did not support an award of post-judgment interest because it was not a "money judgment" against Mr. Bailey's client.

In the second case, the appellate court affirmed a summary judgment in favor of Mr. Bailey's client (an automobile manufacturer) on claims that the defendant owed the client for relocation reimbursement expenses. The defendant argued below and on appeal that his failure to pay the expenses back was excused for a number of reasons, but the Court rejected these arguments in turn. The Court also reversed the lower court's failure to award attorney's fees, expenses, and interest, and increased the judgment against the defendant by approximately $30,000. Katie Davis assisted in briefing the Arnold matter.

The cases are Pope, McGlamry, Kilpatrick, Morrison & Norwood, P.C. v. DuBois (#1171178) and Arnold v. Hyundai Motor Manufacturing Alabama, LLC, (#1170974 & #1171026).

Trump Announces Nomination of Huffaker to Serve as Federal Judge

Rushton Stakely is proud to announce the nomination of R. Austin Huffaker, Jr. to the U.S. District Court for the Middle District of Alabama.

On July 1, 2019, President Donald J. Trump announced his intent to nominate R. Austin Huffaker, Jr., of Alabama, to serve as Judge on the U.S. District Court for the Middle District of Alabama.

Austin Huffaker is a Shareholder at Rushton, Stakely, Johnston & Garrett, P.A, where his practice focuses on complex commercial, product and lender liability, and professional malpractice litigation. Mr. Huffaker serves as a Commissioner of the Alabama Securities Commission and a Member of the Alabama Civil Jury Charge Committee. Mr. Huffaker earned his B.Eng., *cum laude*, from Vanderbilt University and his J.D, *magna cum laude*, from the University of Alabama, where he was a member of the *Alabama Law Review* and a Hugo Black Scholar.

For the complete article: https://www.whitehouse.gov/presidential-actions/president-donald-j-trump-announces-judicial-nominees-united-states-marshal-nominee-3/

Garrett Obtains Defense Verdict in Multi-Vehicle Collision with Injury

R. Brett Garrett obtained a defense verdict in the Circuit Court of Lee County Alabama on behalf of his client in a complicated, multi-vehicle/motorcycle accident that occurred in Auburn, Alabama. The case involved a collision that occurred near the intersection of roadways within Logan Square Apartments. Mr. Garrett's client collided with a motorcycle driven by Plaintiff as they proceeded through an intersection and around a commercial vehicle which obstructed visibility.

Plaintiff sued Mr. Garrett's client alleging that she acted negligently and wantonly in causing the accident. Plaintiff also alleged that Mr. Garrett's client and the owner of the commercial vehicle were liable under a theory of combining and concurring negligence. Mr. Garrett defended Plaintiff's claims alleging contributory negligence. Plaintiff incurred substantial bodily injury in the accident including tibial and fibular fractures requiring multiple corrective surgeries. Plaintiff introduced testimony of his treating orthopedic surgeon who offered his medical opinion that Plaintiff's injuries were directly caused by the subject accident and further, that multiple surgeries were necessary for treatment of his related injuries.

The case tried before Hon. Christopher J. Hughes. After a three day trial, the jury returned a verdict in favor of Mr. Garrett's client.

Bailey and Davis Win Summary Judgment in Hair Care Product Case

Evans Bailey and Katie Davis recently won a summary judgment in a products liability action involving the use of a hair relaxer. Their motion on behalf of the manufacturer and the retailer argued that the hair care product was not defective, had been used improperly, and came to the supplier in a sealed container. The case was before Judge Greg Griffin in the Circuit Court of Montgomery County, Alabama.

Garrett Obtains Defense Verdict in Multi-Vehicle Accident

R. Brett Garrett obtained a defense verdict in the Circuit Court of Lee County Alabama on behalf of his client in a complicated, multi-vehicle automobile accident that occurred in Auburn, Alabama. The case involved a high speed collision that occurred at the intersection of North College Street and Shug Jordan Parkway. Mr. Garrett’s client collided with a vehicle being driven by another driver in the intersection who subsequently veered off and stuck a stationary vehicle driven by Plaintiff.

Plaintiff sued Mr. Garrett's client and the other involved driver alleging that they acted negligently and wantonly in causing the accident. Plaintiff alleged that both drivers were liable under a theory of combining and concurring negligence. As Plaintiff was not involved in the precipitating accident, Mr. Garrett did not contend that Plaintiff was contributorily negligent. Plaintiff claimed substantial bodily injury requiring surgical treatment. She called her treating surgeon as a witness at trial who offered his medical opinion that Plaintiff's injuries were directly caused by the subject accident and, further, that surgery was necessary for treatment of her injuries. Plaintiff claimed the cost and expense of future surgery as part of her damages at trial.

The case tried before Hon. Jacob Walker, III. After a three day trial, the jury returned a verdict in favor of Mr. Garrett's client.

Amy Nelson Joins Rushton Stakely Law Firm

Rushton Stakely is pleased to announce that Amy Nelson has joined the firm and will be based in the Birmingham office. Prior to joining Rushton Stakely, Mrs. Nelson practiced with the law firm of Cabaniss, Johnston, Gardner, Dumas & O'Neal LLP in Birmingham, beginning as an Associate in 2001 and becoming Partner in 2008, before withdrawing in July 2016 to take an in-house position. While with Cabaniss, Johnston, Gardner, Dumas & O'Neal LLP, Mrs. Nelson acted on behalf of the firm as outside general counsel to a longtime large industrial client for a three year period of time. In the in-house position, Mrs. Nelson worked in the mortgage loans

department of a company in Birmingham assisting from a legal counsel perspective with the making of loans by the company to a specific non-residential housing market.

Her practice with Rushton Stakely focuses primarily on commercial real estate, and includes the representation of developers and lenders in a variety of commercial transactions. Previously, Mrs. Nelson has routinely advised clients on a broad spectrum of business and real estate matters, including mergers and acquisitions, real property sales and acquisitions, governance, and financing.

Dennis Nabors Joins Rushton Stakely Law Firm

Rushton Stakely is pleased to announce that Dennis Nabors has become Of Counsel to the firm. Mr. Nabors joins Rushton Stakely after enjoying a distinguished career that has included service as Chief of Staff to Governor Guy Hunt, Assistant Attorney General for Alabama's White-Collar Crime and Civil Rights Division, City Attorney for Montgomery, and Executive Vice President and Chief Lobbyist for the Alabama Hospital Association. Mr. Nabors has significant experience and demonstrated expertise in health care and public policy law, with a particular focus on the impact of state and federal health care regulations on providers and organizations. He has appeared numerous times before the Statewide Health Coordinating Council and the Certificate of Need (CON) Review Board.

Mr. Nabors' experience will blend seamlessly with the health care and administrative law expertise currently offered by

Rushton Stakely. Firm President, Tommy Keene, stated, “We are delighted to have our good friend and colleague, Dennis Nabors, join our practice. He fits well with us not only by virtue of his experience but also because he epitomizes the level of competence and quality that our attorneys strive to provide to our clients.”

Hines and Sellers Attain Shareholder Status in Rushton Stakely

Rushton, Stakely, Johnston & Garrett, P.A. is pleased to announce that Amanda C. Hines and Philip A. Sellers, II have been made shareholders in the firm effective January 1, 2019.

Mrs. Hines joined the firm in 2012. She has significant experience in virtually all areas of civil law, with her primary focus on healthcare and medical liability, professional liability, labor and employment law, and general civil defense litigation. Prior to joining the firm, Mrs. Hines also assisted numerous clients in a wide range of matters including all aspects of family law, real estate transactions, corporate law matters, and estate planning and probate matters.

Mrs. Hines obtained her undergraduate degree, cum laude, from the University of Alabama, 2000, and her juris doctor from the University of Alabama School of Law, 2003

Mr. Sellers joined the firm in 2012. His practice is devoted to civil litigation with a primary focus on medical malpractice, insurance defense, professional liability, and

employment law. Prior to joining the firm, Mr. Sellers worked as an upper school faculty member of the Montgomery Academy, where he taught U.S. History and Government and served as the assistant coach of the forensics team.

Mr. Sellers obtained his undergraduate degree, magna cum laude, from the University of Georgia in 2006 and his juris doctor, cum laude, from the Cumberland School of Law in 2012.

Dennis R. Bailey Admitted to American College of Trial Lawyers

Rushton Stakely is pleased to announce that Dennis R. Bailey has become a Fellow of the American College of Trial Lawyers, one of the premier legal associations in North America.

The induction ceremony took place recently before an audience of 850 persons during the Induction Ceremony at the 2018 Annual Meeting of the College in New Orleans, Louisiana. The meeting had a total attendance of 1,020.

Founded in 1950, the College is composed of the best of the trial bar from the United States and Canada. Fellowship in the College is extended by invitation only, and only after careful investigation, to those experienced trial lawyers of diverse backgrounds, who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality. Lawyers must have a minimum of fifteen years trial experience before they can be considered for Fellowship.

Membership in the College cannot exceed one percent of the total lawyer population of any state or province. There are currently approximately 5,800 members in the United States and Canada, including active Fellows, Emeritus Fellows, Judicial Fellows (those who ascended to the bench after their induction) and Honorary Fellows. The College maintains and seeks to improve the standards of trial practice, professionalism, ethics, and the administration of justice through education and public statements on independence of the judiciary, trial by jury, respect for the rule of law, access to justice, and fair and just representation of all parties to legal proceedings. The College is thus able to speak with a balanced voice on important issues affecting the legal profession and the administration of justice.

Dennis R. Bailey is a shareholder of Rushton, Stakely, Johnston & Garrett, P.A. of Montgomery, Alabama and has been practicing in Montgomery for 38 years. The newly inducted Fellow is an alumnus of Auburn University (75) and the Cumberland School of Law of Samford University (79).