



No Justice for the Injured

Big Business Is Funneling Campaign Cash to Judges Who Allow Corporate Wrongdoers to Escape Accountability

Billy Corriher May 2013



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Contents

1 Introduction and summary

4 The movement to limit corporate liability

- 5 Media manipulation
- 8 State legislatures pass limits on damages for injured plaintiffs
- 9 State courts strike back to protect the right of individuals

12 Corporate campaign cash transforms state supreme courts

- 13 Texas
- 16 Alabama
- 18 Ohio
- 21 Michigan
- 23 Mississippi
- 24 Wisconsin
- 27 Louisiana

29 Conclusion

- 29 No accountability for negligence

33 About the author

34 Endnotes

41 Appendix

- 42 Texas
- 71 Alabama
- 130 Ohio
- 147 Michigan
- 164 Illinois
- 176 Pennsylvania

Introduction and summary

At the turn of the 20th century, as America shifted from an economy based on farming to an industrial economy fueled by large corporations, the reformers of the progressive era sought to ensure that ordinary workers were not exploited or abused by their increasingly powerful employers in the new economy. On-the-job accidents became much more frequent as factories rapidly replaced farms and railroads were built to span the continent. Reformers and labor advocates fought for injured workers in state legislatures and courtrooms.¹ The judiciary had always had a reputation for favoring corporate defendants,² but reformers lobbied to expand tort liability and abrogate employers' legal immunities. Their successes protected injured workers and encouraged employers to prevent workplace accidents.³

The reformers held constitutional conventions to enshrine these protections in state constitutions. States across the country, including Ohio and Pennsylvania, saw constitutional amendments that prohibited state legislatures from limiting lawsuits against corporations or other negligent actors.⁴

This expansion of tort liability changed the American economy. The progressive-era advancements brought safety standards to the workplace and the consumer market. Unfortunately, a reform championed in an earlier era—the shift from an appointed to an elected judiciary—is now jeopardizing the expansion of tort liability that protected consumers and employees.

America is the only country in the world that elects its judges, and this unique feature of our government has allowed corporations to influence the law through judicial campaign contributions. The ability of ordinary Americans to find justice against powerful corporations may prove to be a historical anomaly rather than an irreversible progression of the law. For much of the 20th century, the courthouse doors were open to injured employees and consumers, but now these doors are being closed once again.⁵ Corporate-funded judges and legislators have distorted the law to keep corporations and other defendants from being held accountable.⁶ Over the past few decades, big business has spent millions of dollars to elect judges who voted to limit Americans' right to sue negligent corporations.

Those who have been injured or wronged by the mistakes of someone else—a negligent hospital, an unsafe employer, or a callous insurance company—are finding it harder to hold these wrongdoers accountable in court. Injured plaintiffs are facing laws that have been distorted by campaign contributions from big business to state legislators and judges. To illustrate the impact that this corporate campaign cash is having on the law, the appendix to this report includes summaries of cases from the six state supreme courts that have seen the most money in their judicial elections from 2002 to 2012. The data include 1,499 cases in which an individual sued a health care provider or a business for an injury to their person or property. In 70 percent of these cases, the courts ruled against the individual and in favor of the corporate defendant.⁷ The trend toward pro-corporate rulings seems to be growing more pronounced. From 2007 to 2012 the Ohio Supreme Court ruled for defendants in 80 percent of the cases studied.⁸ The Texas and Alabama high courts, where big business has had great success in stacking the deck against injured plaintiffs, ruled for the defendants in 80 percent of the cases in 2011 and 2012.⁹

One Texas plaintiff, Connie Spears of San Antonio, ran up against the state's stringent medical-malpractice laws when she sought to hold a hospital accountable for failing to diagnose a blood clot, a problem she had previously experienced.¹⁰ The delay in discovering the clot led to the amputation of both of her legs. It took years for her to find a lawyer willing to take the case, due to Texas' defendant-friendly laws, and once she did, she could not find an expert witness who met the state's standards.¹¹ Spears says that negligent medical care has impacted her family and "ruined all of our lives,"¹² but she could not hold anyone accountable in Texas.

This report begins with a history of the effort by big business to limit liability. This effort began in state legislatures, and after some of the resulting statutes were struck down as unconstitutional, the battle moved to state supreme courts. This history includes a discussion of the news media's role in convincing Americans that limits on liability were necessary because of a lawsuit crisis in America. The report then offers a discussion of seven state supreme courts—in Texas, Alabama, Ohio, Michigan, Mississippi, Wisconsin, and Louisiana—where big business has succeeded in electing judges who voted to limit liability for wrongdoers. In discussing each of these courts, this report tells the stories of injured plaintiffs who were denied relief by judges whose campaigns are funded by big business and proponents of limiting liability.

Legislators and judges in states around the country have limited the liability of negligent persons and corporations in the name of reform—a movement funded

by big corporations that goes by the innocuous name of “tort reform.” (This report will generally not use this term. Instead, it will refer to the modern tort-reform movement as an effort to limit liability or cap damages.) This movement was funded by large corporations that were frequently the target of lawsuits such as insurance companies and tobacco companies.¹³

Torts are wrongs committed by a person or entity that are recognized by courts as justifying monetary compensation. Torts arise when someone’s negligent behavior causes a physical injury or financial loss to another person, who then has the option to file a lawsuit against the responsible person or entity. Those guilty of violating tort rules must pay for their negligence through monetary compensation. Tort law makes society safer by encouraging corporations and others to exercise caution. It allows injured patients, consumers, and employees to recover from negligent actors that injure them. In these lawsuits, a jury traditionally decides whether the defendant is liable for the damages and allots the amount of damages.

The founders of our country enshrined a right to a jury trial in the Bill of Rights.¹⁴ John Adams said that without representative government and the right to a trial by jury, citizens have “no other indemnification against being ridden like horses, fleeced like sheep, worked like cattle, and fed and clothed like swine and hounds.”¹⁵ Many state constitutions include strong language protecting the right to a jury trial and the right to a legal remedy for wrongs committed by others. But in many of these same states, the right to a jury trial is being rendered meaningless by laws that restrict the right to sue and by judges who received millions of dollars from big business to uphold these laws.

The movement to limit corporate liability

In the 1950s and 1960s the proliferation of automobiles and the high speeds of the nation's new interstate highways led to legal headaches for insurance companies, which fought expansions of legal liability. At the same time, trends in the law had made lawsuits against employers and manufacturers easier to win. A 2004 *Washington Monthly* article notes that, "Plaintiffs' lawyers started breaking down some of the legal barriers that long protected industry from responsibility for injuries to workers and consumers."¹⁶ Courts developed rules of "strict liability," which meant that a manufacturer could be held liable for dangerous products without the plaintiff having to prove that the manufacturer was negligent.¹⁷ Civil-rights statutes and court rulings created new causes of action for women and minorities who faced discrimination from their employers or other institutions. Large employers and manufacturers joined the movement to curtail liability.¹⁸

The liberalization of personal-injury law also made it easier for injured patients to sue health care providers, and the number of personal-injury lawsuits increased beginning in the 1960s.¹⁹ As the "financial exposure" for medical malpractice became "more variable," malpractice insurers began to face difficulty in pricing their services.²⁰ By the 1970s malpractice insurers were proclaiming a crisis, and the health care industry assumed a key role in the movement to limit liability. The American Medical Association was one of the founders of the American Tort Reform Association in 1986.²¹

Pharmaceutical companies joined in as they faced class-action lawsuits in the late 1980s concerning products that had the potential to kill or maim. Manufacturers of the drug diethylstilbestrol, or DES, which was intended to curb morning sickness for pregnant mothers, faced significant legal liability when the children of mothers who ingested DES later developed cancer at a high rate.²² And Pfizer paid hundreds of millions of dollars to settle lawsuits by 55,000 patients who received defective heart-valve implants.²³ Nearly 500 valves fractured, and two-thirds of those patients died as a result.²⁴

The movement to limit liability really gathered steam in the face of large class-action lawsuits against tobacco companies. Facing enormous legal liability,²⁵ tobacco companies fought back by hiring lobbyists to convince legislators to enact limits on lawsuits. In 1995 the tobacco industry gave the American Tort Reform Association \$5.5 million, nearly half of its annual budget.²⁶

Tobacco companies propped up organizations that appeared to represent citizens to lobby against corporate liability. A 1986 memo from the Tobacco Institute stated that, “In order to be totally effective, the grassroots effort must appear to be spontaneous rather than a coordinated effort.”²⁷ At the same time, the memo laid out a detailed plan of “coordinating the entire effort” to ensure that “everyone is going in the same direction.”²⁸ Tobacco executives and other corporate leaders created so-called astroturf groups—corporate-funded groups masquerading as grassroots organizations such as Citizens Against Lawsuit Abuse and the Texas Civil Justice League—to hide their involvement in pushing limits on corporate liability.²⁹

An enormously successful public-relations campaign—funded by these large corporations—convinced Americans that our society was suffering an epidemic of frivolous lawsuits.³⁰ Limited-liability advocates and the news media presented story after story of a “litigation crisis” and plaintiffs who collected large verdicts through frivolous lawsuits. A 1992 memo from a tort-reform think tank outlined the strategy of co-opting reporters:

*If ... a consensus emerges in favor of serious judicial reform, it will be because millions of minds have been changed, and only one institution is powerful enough to bring that about: the combined force of the nation's print and broadcast media, the most potent instrument for public education—or miseducation—in existence.*³¹

Polls suggest that the vast majority of Americans have bought into this propaganda.³² Americans have come to associate the civil-justice system with frivolous claims rather than truly injured plaintiffs.

Media manipulation

In their 2004 book *Distorting the Law*, William Haltom and Michael McCann surveyed coverage of civil litigation in five major newspapers and concluded that the growth of the campaign to limit legal liability coincided with a dramatic increase

in news coverage of lawsuits. This coverage, however, was skewed in a manner that fit the narrative of advocates for limiting liability. News stories and opinion columns focused heavily on plaintiffs' victories and large verdicts.³³ At the same time, "the damage, pain, anguish, and costs of injuries suffered by ordinary people are significantly deemphasized or ignored."³⁴

Reporters failed to provide crucial context in their sensationalized accounts of lawsuits. A widely published 1986 UPI article, for example, claimed that a "former psychic" was awarded \$1 million in a suit against a hospital. The plaintiff said that she suffered severe recurring headaches due to an allergic reaction to a dye with which she was injected during a CAT scan.³⁵ The first sentence notes that the plaintiff claimed the incident resulted in "the loss of her psychic powers," and only toward the end does the article state that the judge instructed the jury not to consider this claim.³⁶ The article does not mention that the physician ignored the patient's warning that she suffered severe allergic reactions to iodine-based dyes.³⁷ The media largely failed to cover the case a few months later, when the judge threw out the verdict and left the plaintiff with no compensation for her injuries.³⁸ This trend of distorting coverage of the civil-justice system continues today, even at liberal news sources.³⁹

Perhaps the most notorious example of a "frivolous" lawsuit was the case of the hot McDonald's coffee. According to the popular myth surrounding this case, a woman sued McDonald's after she spilled coffee on herself while driving and collected a multimillion-dollar verdict.⁴⁰

The truth is very different. The woman in question, 79-year-old Stella Liebeck, was in the passenger seat of her grandson's car. After receiving their food and beverages, they parked while Liebeck placed her coffee between her legs so she could add sugar and cream. The coffee then spilled on her thighs and caused third degree burns to the inside of her groin. Liebeck was hospitalized for more than a week. She received skin grafts, was partially disabled for two years, and was left with scarring on 16 percent of her body.⁴¹ Liebeck offered to settle with McDonald's for around \$10,000 to \$15,000, but the company refused.⁴² So she filed a lawsuit.

The jurors were initially skeptical. One said, "The whole thing sounded ridiculous to me."⁴³ But after seeing the evidence, the jury awarded \$2.7 million in punitive damages to encourage McDonald's to stop serving its coffee at a piping-hot 180 degrees to 190 degrees.⁴⁴ The corporation had received almost 700 complaints before Liebeck's suit, paying almost three-quarters of a million dollars to settle previous claims regarding its hot coffee.⁴⁵ The judge in Liebeck's case said that

punitive damages would “send a clear message to this Defendant that corrective measures are appropriate.” The judge did, however, reduce the punitive damages to \$480,000, and he ordered the parties to a settlement conference.⁴⁶ Liebeck never received anything close to \$2.7 million. But McDonald’s stopped selling extremely hot coffee and added warning labels to its coffee cups.⁴⁷

The news media largely ignored the evidence of negligence by McDonald’s and the judge’s decision to lower the amount of punitive damages awarded. Haltom and McCann found that pundits frequently misconstrued the facts and that the media covered the lawsuit “in ways that were open to, and even invited, interpretations consistent with the tort reform agenda.”⁴⁸ The case became the poster child for corporate-funded groups advocating limits on legal liability.⁴⁹

Often using the same language as corporate propagandists,⁵⁰ conservative commentators repeat the admonitions about “individual responsibility” and greedy plaintiffs while failing to look beyond these superficial claims to uncover the truth about America’s civil-justice system.⁵¹ In one egregious example, an editor of a major news magazine presented as fact Internet rumors about frivolous lawsuits that had been thoroughly debunked.⁵²

Corporate leaders and Republican politicians offer misleading claims about frivolous lawsuits and phony statistics such as the \$300 billion annual “tort tax,” which *The Economist* described as having “no discernible connection to reality.”⁵³ Yet the notion that America is burdened by frivolous litigation is now accepted as common sense by most Americans, and even Democratic politicians have come on board with efforts to limit corporate liability.⁵⁴

There is no empirical evidence of an explosion in frivolous lawsuits or unreasonably high jury verdicts, so this campaign is based on myths and constantly repeated anecdotes.⁵⁵ Several legal scholars have written articles pointing out the complete lack of evidence to support the claims of limited-liability advocates, but these scholarly articles fail to attract the news media’s attention. A 2004 study by the RAND Institute showed that, when one accounts for inflation in the cost of health care, average jury awards for medical malpractice did not increase between 1960 and 2000.⁵⁶ In a 2007 survey of Georgia trial-court judges, more than 98 percent of the respondents said that juries’ awards were excessive in only 0 to 5 percent of cases in their courtrooms. One judge commented that some state legislators “believe we have shyster lawyers routinely taking frivolous cases and smooth talking unsuspecting juries into making excessive awards. I have not seen or heard of that happening in this state.”

State legislatures pass limits on damages for injured plaintiffs

The cash from big tobacco and other corporations helped to found lobbying groups and think tanks to push statutory limits on liability.⁵⁷ Corporate interests poured money into the campaigns of legislators who supported bills that made it harder to hold corporate wrongdoers accountable. “In 1999, the insurance industry spent \$85.6 million for lobbying, while the health care industry spent \$197 million,” according to Haltom and McCann.⁵⁸ The *Akron Beacon Journal* reported that corporate interest groups in Ohio spent “more than \$1 million” on lobbying, in addition to direct contributions to legislators, to push a 1996 state law that limited damages.⁵⁹ Since the late 1990s corporate front groups such as the American Legislative Exchange Council, or ALEC, have emerged as powerful forces in pushing for limits on liability.⁶⁰

State legislatures across the country passed laws that limited damages in medical malpractice, products liability, or all personal-injury lawsuits. Nearly all states have passed some version of tort reform.⁶¹ The American Tort Reform Association says that 33 states have limited punitive damages and 23 states have limited noneconomic damages such as pain and suffering.⁶² A 2006 law-review article found that limits on noneconomic damages vary widely but generally range from \$250,000 to \$500,000.⁶³ Some states go even further and limit both economic and noneconomic damages in medical-malpractice actions.⁶⁴

Many state legislatures have passed strict statutes of limitations and statutes of repose, which bar lawsuits after a certain number of years regardless of when the injured person learned of the injury. Most states have altered the rules for holding certain defendants responsible in cases with multiple wrongdoers.⁶⁵ The U.S. Supreme Court has created constitutional limits on punitive damages.⁶⁶ All of these laws can make it harder to collect damages for those who are injured through a manufacturer’s negligence, maimed by medical malpractice, or defrauded by an insurance company.

Efforts to limit legal liability have become a standard plank in Republican Party platforms. Big business has appropriated the conservative values of individual responsibility, “suspicion of government redistribution,” and alarm about “declining moral character” to push limits on legal liability.⁶⁷ The irony of corporations attacking plaintiffs for lacking individual responsibility during a campaign to avoid their own responsibility for causing harm appears to be lost on advocates of limited liability. Haltom and McCann note that big business has succeeded in associating injured plaintiffs and their lawyers with “the growing catalog of Others—welfare queens, the chronically unemployed, street criminals, disorderly

dissenters, amoral liberal and secular humanists, slackers of all kinds dependent on government help.”⁶⁸ Texas Republicans adopted this moralistic language in pushing strict limits on legal liability.⁶⁹

In 1986 the Texas legislature passed a statute limiting damages in medical-malpractice cases to \$500,000. Six years before the law was passed, 14-month-old Christopher Lucas was taken to a U.S. Army hospital after he developed a “swollen neck and fever” during a family outing.⁷⁰ A doctor diagnosed Christopher with a cyst in his neck, and a nurse administered penicillin through an injection in his buttocks. Christopher’s father saw blood in the tube before the injection, but when Christopher’s legs broke out in spots, his doctors assumed it was just an allergic reaction. Several hours later his parents noticed that Christopher’s legs were not moving. The toddler had experienced “blood starvation of the nerves” caused when the nurse injected the drug “directly into an artery.” Though he was at the age when most children are just learning to walk, Christopher was permanently paralyzed from the waist down.⁷¹

Christopher’s parents sued the hospital and the U.S. government for medical malpractice. The jury awarded the parents \$500,000 for their medical expenses and around \$1 million for Christopher’s own medical expenses after he becomes an adult and his lost earning capacity.⁷² The court awarded him \$1.5 million for pain and suffering. The Fifth Circuit Court of Appeals, however, held that a Texas law capping certain damages at \$500,000 cap applied to the lawsuit.⁷³ Though his paralysis would last the rest of his life, the statute limited Christopher’s “nonmedical” damages to half a million dollars.

State courts strike back to protect the right of individuals

Many state supreme courts began to strike down these limits on liability as unconstitutional.⁷⁴ In 1999 one advocate for limited liability claimed that 90 state supreme court decisions had ruled tort-reform bills unconstitutional.⁷⁵ One of the courts to strike down caps on damages was the Texas Supreme Court, which heard the case of Christopher Lucas, the paralyzed toddler discussed above.⁷⁶ The Texas Constitution states that, “All courts shall be open, and every person for an injury done him ... shall have remedy by due course of law.”⁷⁷ The Texas Supreme Court said the statute limiting nonmedical damages in medical-malpractice lawsuits to \$500,000 violated this right, at least for “catastrophically damaged malpractice victims” such as Christopher Lucas.⁷⁸

The court's opinion noted at least half a dozen other courts that had ruled similar caps unconstitutional. The Florida Supreme Court, for example, also relied on an "open courts" provision of the state constitution to strike down a cap on noneconomic damages.⁷⁹ These rights require the courts to ask whether statutes limiting liability provide alternative remedies.⁸⁰ Courts must balance the interests of injured plaintiffs with the state's proffered justification for capping damages.

The Texas Supreme Court ruled that the legislature had severely limited the damages available to Christopher Lucas without providing any "adequate substitute."⁸¹ The court found that the plaintiff's lost recovery was not outweighed by the state's interest in lowering medical costs. The court also noted that the legislature "apparently did not intend to strike at frivolous malpractice suits," because the statute only applied when a jury found that the plaintiff should recover more than \$500,000 in damages.⁸²

Other courts relied on equal-protection rights or similar rights to strike down caps on damages, which only affect the most seriously injured plaintiffs.⁸³ Courts across the country ruled that the proffered benefits of limiting damages were outweighed by the costs of such measures, which deny compensation to the plaintiffs with the worst injuries and absolve the most negligent defendants of the duty to pay for their wrongdoing.

In one such case, the Duren family of Ohio sued a hospital where John Duren was admitted after his nurses ignored a doctor's orders to monitor his blood-sugar level four times per day. The test was only performed once, and it showed an extremely high blood-sugar level. Although the doctor indicated that insulin should be administered if the levels were high, the nurses again ignored the orders. According to his family's lawsuit against the hospital, Duren was neglected by hospital staff despite the fact that he was in obvious pain and that his vital signs were "extremely abnormal." By the time a doctor finally arrived at his bedside, he was "within minutes of death."⁸⁴ Duren passed away, leaving his wife, who is severely disabled, with no companion and no caretaker. His wife was awarded \$1,000,000 for the hospital's negligence, but an Ohio statute limited medical-malpractice damages to \$200,000.⁸⁵

In ruling the cap on damages unconstitutional under the state and federal constitutions, the Ohio Supreme Court said:

*The legislative scheme of shifting responsibility for loss from one of the most affluent segments of society to those who are most unable to sustain that burden, i.e., horribly injured or maimed individuals, is not only inconceivable, but shocking to this court's conscience.*⁸⁶

The legislative scheme of shifting responsibility for loss from one of the most affluent segments of society to those who are most unable to sustain that burden, i.e., horribly injured or maimed individuals, is not only inconceivable, but shocking to this court's conscience.

Even though it ruled the statute unconstitutional, the Ohio court also found that the jury's award of damages for Duren's pain and suffering was excessive and cut it in half.⁸⁷ So while the legislature could not establish an arbitrary damages cap to the detriment of the most severely injured plaintiffs, the courts remained free to reduce awards that were unreasonably high.

As these reform statutes fell in state courts across the country, corporate interest groups complained that judges were being swayed by campaign contributions from trial lawyers. The largest industry then contributing to judicial campaigns, by far, was the legal industry. These concerns prompted big business to enter the realm of judicial politics.⁸⁸ In the span of a few short years, big business succeeded in transforming courts such as the Texas and Ohio supreme courts into forums where individuals face steep hurdles to holding corporations accountable.

Corporate campaign cash transforms state supreme courts

By the late 1990s the movement to limit corporate liability exercised great influence over state legislatures and public opinion. The only thing standing in the way of limits on corporate liability was the judiciary and those pesky constitutional rights that it protected. Big corporations that did not like being sued began pouring money into tort-reform groups and corporate advocates such as the U.S. Chamber of Commerce. Those groups, in turn, gave money to the campaigns of judges, who then voted to uphold statutory caps on damages and limit citizens' right to sue.⁸⁹

Before the flood of corporate campaign cash, judicial elections were relatively low-key affairs and multimillion-dollar campaigns were extremely rare. In 1990 candidates for all state supreme courts raised around \$3 million in campaign contributions,⁹⁰ but by the mid-1990s candidates were raking in more than five times that amount.⁹¹ State supreme court candidates raised \$211 million from 2000 to 2009—two and a half times more than in the previous decade.⁹² Spending on television ads reached a record \$29.7 million in the 2012 election, according to groups that track judicial campaign spending.⁹³

Money from corporate interest groups has dominated many recent state supreme court elections. The U.S. Chamber of Commerce became a very important player in judicial elections at the dawn of the 21st century. *Forbes Magazine* reported that the U.S. Chamber of Commerce won 21 of 24 races in which it donated money from 2000 to 2003.⁹⁴ More than 90 percent of special-interest television ads in 2006 supreme court races were funded by pro-business groups, according to organizations that track spending in judicial races.⁹⁵ *The American Prospect* reported that conservative groups spent \$8.9 million in 2010 high court elections, compared to just \$2.5 million in spending from liberal groups.⁹⁶ In 2012 the state chapter of the U.S. Chamber of Commerce was the largest donor to the high court race in Louisiana, and the biggest donor in Texas was a group that advocates limiting accountability for negligence.⁹⁷

The voting records of these judges who were backed by large corporate suggest that they may agree with the myth of a lawsuit crisis in America and that they perhaps see it as their job to fix this imaginary problem. The appendix to this report includes data drawn from case law that demonstrates the impact of all of this corporate money. The data focus on Texas, Alabama, Michigan, Ohio, Pennsylvania, and Illinois, the six state supreme courts that saw the most campaign cash from 2002 to 2012.⁹⁸ The data include all cases in which an individual sued a corporation, a business, or a health care provider for negligence, fraud, or another tort. The courts ruled in favor of the defendants—and against the injured individuals—in 70 percent of the cases.⁹⁹ The state in which plaintiffs had the most trouble finding justice was Texas, where the high court ruled against injured plaintiffs in 83 percent of the cases studied.¹⁰⁰

Before big business declared war on the right to a jury trial, an individual who was injured by a defectively designed product or an unsafe workplace could look to state courts for justice. An individual who was maimed by the negligence of a hospital or a parent whose child was made ill by a nearby industry plant spewing a toxic substance could rely on the courts to hold the wrongdoer accountable. With unlimited corporate money pouring into judicial races, this principle is less true with each passing election.

Texas

In Texas political consultant Karl Rove and his big-business clients attacked candidates funded by trial lawyers and gave funds to candidates who favored limits on liability. A recent article in *The Texas Tribune* noted that, “The term ‘trial lawyer’ can stick to a candidate the way food poisoning can stick to a restaurant.”¹⁰¹ Starting in the 1990s donations from corporations such as Enron began to overwhelm those from trial lawyers. A 1998 report from Texans for Public Justice described how corporations and their lawyers donate millions to pro-corporate candidates for the state supreme court.¹⁰² The report said:

*It is no coincidence that some of the strongest supporters of [Texans for Lawsuit Reform] and the seven justices are executives from companies that have had cases before the court or that confront the kinds of serious liability issues that characterize the chemical, oil and gas, construction and medical device industries. Many of these industries are investing heavily in litigation protection from the claims of injured employees, neighbors and customers.*¹⁰³

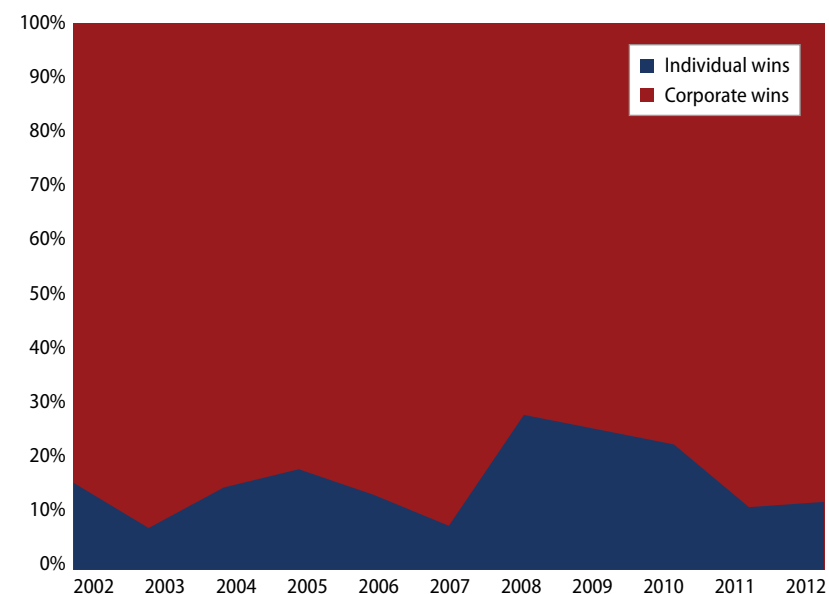
The Texas Supreme Court, one of a handful of states that still elect judges in partisan elections, quickly went from an all-Democratic court to an all-Republican court that heavily favors defendants over injured plaintiffs. The appendix to this report includes 318 cases from the Texas high court, and the court ruled against the plaintiffs in 83 percent of those cases. In 2011 and 2012 the number was even higher—an 85 percent success rate for corporate defendants.¹⁰⁴

The deluge of corporate money started in the mid-1990s, soon after the high court struck down the Texas legislature’s \$500,000 cap on nonmedical damages in medical-malpractice lawsuits. In 1994 candidates for the Texas Supreme Court raised \$7.5 million,¹⁰⁵ after two elections in which candidates raised no money.¹⁰⁶

The Texas Medical Association was the largest single donor that year. The oil and gas industry, whose employees work in dangerous settings and frequently find themselves in court for work-related injuries, spent more than \$300,000 in 1994 to elect their preferred judges, according to data from the National Institute on Money in State Politics.¹⁰⁷

In 1998 four Republican candidates running for the Texas high court each raised more than \$1 million to defeat four Democrats who raised a fraction of that amount.¹⁰⁸ These Republican victories gave Republicans control of the high court for the first time since its creation in 1876.¹⁰⁹ The political action committee formed by Vinson & Elkins, a corporate law firm that made its name representing oil and gas companies, donated nearly \$90,000 to the Republican candidates that year. The firm, which regularly appears before the high court, has donated more than \$900,000 to Texas Supreme Court candidates since 1994.¹¹⁰

FIGURE 1
Texas Supreme Court, personal injury cases



Source: Lexis-Nexis.

In addition to a pro-corporate high court, Texas also has some of the strictest limits on liability for negligent health care providers. No matter how permanent or serious the injuries, Texas law now limits noneconomic damages to \$250,000 for each injured person.¹¹¹ When lawsuits involve wrongful-death allegations, the limit for all nonmedical damages is \$500,000.¹¹² Plaintiffs who suffer injuries during “emergency care” must prove that the defendants were “willfully or wantonly negligent.”¹¹³ One Texas court interpreted this standard to mean that the patient must show that the doctor knew about the danger posed by his conduct but “demonstrated that he didn’t care.”¹¹⁴ This heightened standard does not apply when the health care provider expects to receive payment for the treatment.¹¹⁵ Texas also imposes tough procedural hurdles to holding doctors liable, and the corporate-funded Texas Supreme Court has interpreted these limits on medical-malpractice liability broadly.

Guadalupe Cerda took her 17-year-old daughter to the pediatrician for treatment of sinus problems, and she was examined by a doctor.¹¹⁶ Cerda claims the doctor, “under the guise of listening to her heart through the stethoscope ... cupped her breast with the palm of his hand.” A nurse who worked with the doctor made similar allegations about his conduct after she was examined while exhibiting flu-like symptoms while at work. The nurse said he “palmed her breast with one hand during his entire examination.”¹¹⁷ Cerda and her daughter, along with the nurse, filed suit against the doctor and his practice for assault, medical malpractice, and other claims.

In August 2012 the Texas Supreme Court heard the case. The appeals court had ruled that the patients’ assault claims were not governed by the strict standards that govern medical-malpractice claims. The Texas Supreme Court reversed that ruling.¹¹⁸

The high court created a “rebuttable presumption” that any claims against a health care provider involving “conduct during the patient’s care, treatment, or confinement” are medical-malpractice claims.¹¹⁹ The court said that the plaintiffs had not yet rebutted that presumption and that the evidence they had submitted was inadequate.¹²⁰ In a partial dissent, Justice Debra Lehrmann criticized the majority for placing “too onerous a burden on claimants by requiring them to conclusively establish that their claims are not health care liability claims.” She expressed concerns that the majority’s standard “may force assault victims to submit expert reports or see their cases dismissed.”¹²¹

In a 2011 opinion the Texas Supreme Court imposed the same requirements on a lawsuit against a nursing home. The lawsuit alleged that unclean premises and insect infestation resulted in the death of a resident from a spider bite, and the

court deemed these claims to be medical-malpractice claims.¹²² The court dismissed the lawsuit and remanded the case to determine whether the plaintiff had to pay the defendant's legal costs.¹²³

Many Texans who once supported these limits on liability have seen the error of their ways. Howard Fletcher, a Texas small-business owner who had been an avid public supporter of caps on damages, wanted to sue the doctors who delivered his son. Fletcher said that during the birth, "their son's skull was crushed. The baby hemorrhaged out of his eyes, nose, ears, and mouth, losing most of the blood in his body."¹²⁴ His son was badly brain damaged, but under Texas law, he could only recover \$500,000, "an amount eaten up by their son's medical bills in the first three weeks of his life."¹²⁵ After playing a key role in the local movement to limit liability, Fletcher became an outspoken opponent of caps on damages.

Alabama

A similar story unfolded in Alabama, which formerly had a reputation as a jurisdiction friendly to injured plaintiffs. In the late 1990s Texas and Alabama saw dramatically more money in their judicial races than other states. Candidates in these two states accounted for more than half of the \$16 million raised by all high court candidates in 1996.¹²⁶ The 2000 Alabama Supreme Court race shattered records, with nearly \$13 million raised by the candidates, and business groups spent three times more than all lawyers and lobbyists combined.¹²⁷ Money from the Alabama chapter of the U.S. Chamber of Commerce constituted 40 percent of all campaign contributions in the 2010 race for the Alabama Supreme Court, according to the National Institute on Money in State Politics.¹²⁸

As in Texas, the Alabama high court is now firmly in the hands of judges who are much more likely to rule in favor of corporate defendants over individual plaintiffs in tort cases. From 2002 to 2012 the high court ruled against injured plaintiffs in more than two thirds of the cases in the appendix.¹²⁹ The trend towards limited liability for corporate defendants seems to be growing more pronounced. The appendix to this report includes 37 cases from 2011, and the court ruled in favor of the defendants in 32 of those cases—an 87 percent success rate for defendants in tort cases.¹³⁰

In 2003, after pro-corporate judges took control of the bench, the Alabama Supreme Court considered James Hodgen's lawsuit against a Mobile, Alabama, hospital.¹³¹ In 2000 Hodgen was experiencing an irregular heartbeat. A nurse

called his physician, who prescribed 0.25 milligrams of a heart medication, but the nurse mistakenly believed that the doctor had prescribed 1.25 milligrams.¹³² Without waiting for the pharmacy to fill the prescription, the nurse administered five times the doctor's prescribed dosage. Hodgen's heart stopped beating, causing his blood pressure and oxygen level to drop sharply.¹³³ He "suffered damage to various organs" and had to have his right leg and portions of his intestines removed. "Hodgen is now unable to walk, must use a colostomy bag, and claims that his mental capacity is diminished."¹³⁴

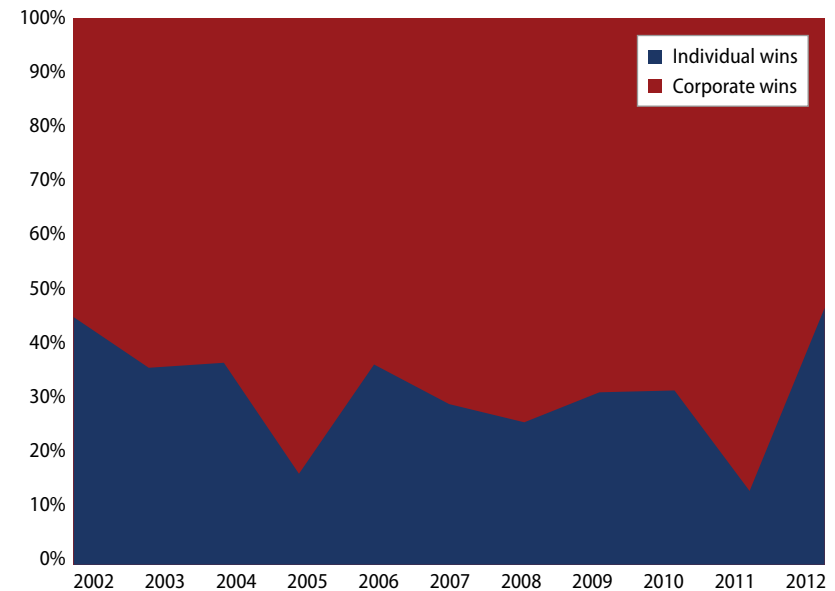
Jurors learned during the trial that Hodgen's nurse was not licensed. She had taken her nursing board examination but had not received the results.¹³⁵ She later learned that she had failed.¹³⁶ Her supervisor had only been licensed for seven months.¹³⁷ Hodgen's expert testified that "a medical professional in an intensive care unit should have known that medications are generally packaged so that one container

is the maximum dose," and that a qualified nurse "should have known something was wrong when ... she had to use three vials of the medicine."¹³⁸ The expert said that the nurse was "inadequately trained" and "in over her head," while the hospital failed to "put safeguards into place to prevent [her] inexperience from hurting patients."¹³⁹ Due to the hospital's recklessness, the jury entered a judgment of \$2.25 million in punitive damages.¹⁴⁰ The Alabama Supreme Court reduced the award to \$1.5 million under a statute limiting such damages.¹⁴¹

Ten years before Hodgen's case, the court had ruled unconstitutional a similar \$250,000 cap on punitive damages.¹⁴² In 1988 12-year-old Craig Henderson climbed a tower owned by the Alabama Power Company. The tower was equipped with an "anti-climbing guard" with barbed wire, but the power company had

FIGURE 2

Alabama Supreme Court, personal injury cases



Source: Lexis-Nexis.

installed a two-inch-long pole on the outside of the guard, enabling Henderson and his friends to climb the tower. Henderson's head touched a power line, resulting in "deep second degree burns to his face, thighs, and other parts of his upper body."¹⁴³ The jury awarded Henderson \$500,000 in punitive damages, twice the statutory limit.

The Alabama Supreme Court, however, ruled that the limit violated Henderson's constitutional right to a trial by jury, which included the right to have a jury assess damages. The court noted that "the jury serves as the conscience of the community." The jury's role in awarding damages "is an institution of the body politic. In a jury, citizens exercise *direct* democracy, whereas the legislature consists of the representatives of the people ... doing their will only *indirectly*."¹⁴⁴ Two years before this case, the court had also ruled unconstitutional a cap on noneconomic damages in medical-malpractice cases.¹⁴⁵

But 10 years later, when Hodgen went before the court and had his award drastically reduced, the bench consisted of a majority of judges who favored corporate defendants over injured plaintiffs. The Alabama Supreme Court, which formerly had a reputation for protecting the rights of plaintiffs, is now firmly controlled by jurists whose campaigns are funded by corporate interests and who consistently rule in favor of corporations.

Ohio

As big business has come to dominate judicial politics, the role of trial lawyers has diminished. Statutes that limit liability have made it harder for trial lawyers to make money, a fact that conservative interest groups surely noticed. It is not financially feasible for plaintiffs' lawyers to sue large corporations if damages are limited, especially if corporate defendants can afford to prolong litigation.¹⁴⁶ Thus, trial lawyers now have less money to donate to judges who do not favor corporations over individuals.

The successful public-relations campaign against trial lawyers also means that their campaign contributions are now toxic. In 2000 a shadowy group ran an ad attacking Ohio Supreme Court Justice Alice Robie Resnick for accepting campaign donations from trial lawyers.¹⁴⁷ The ad featured Lady Justice lifting her blindfold to find the scales of justice filled with cash.¹⁴⁸ The ad asked the viewer, "Is justice for sale?" A watchdog group called the ad "false" and "malicious," and it filed a com-

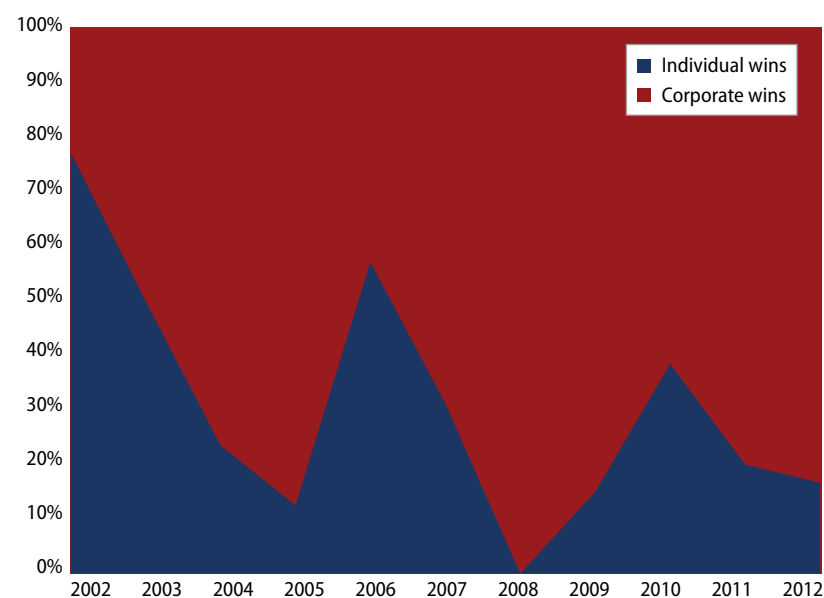
plaint with the state arguing that the “issue ad” was actually intended to influence the election, in which case the group would have to report its donors.¹⁴⁹ Five years after the election, Ohioans learned that the ad was paid for by the Ohio chapter of the U.S. Chamber of Commerce.¹⁵⁰

Justice Resnick was targeted a couple of months after she wrote a sharply worded opinion striking down a wide-ranging statute that changed more than 100 provisions of Ohio law to limit plaintiffs’ ability to recover damages.¹⁵¹ Justice Resnick attacked the legislature for “reenacting legislation struck down as unconstitutional” and for assuming the power to interpret the state constitution and issue rules.¹⁵² She criticized the legislature for failing to honor “the principle of separation of powers and respect the integrity and independence of” the high court.¹⁵³ The opinion discussed the myriad provisions of the statute that were unconstitutional under the court’s precedents.¹⁵⁴

Just after she wrote this opinion, the “justice for sale” ad questioned Justice Resnick’s integrity. She survived the 2000 election, but her opponent, Justice Terrence O’Donnell, was appointed to the court in 2003. Justice O’Donnell was described as voting “for his [campaign] contributors 91 percent of the

time” in a 2006 *New York Times* article.¹⁵⁵ After Justice Resnick and her colleagues refused to bow to the legislature’s effort to limit liability, the same corporate interests that exercised influence over legislators spent millions of dollars to elect pro-corporate judges. The Ohio Supreme Court is now dominated by justices who favor insurance companies and other corporate defendants over injured plaintiffs.

FIGURE 3
Ohio Supreme Court, personal injury cases



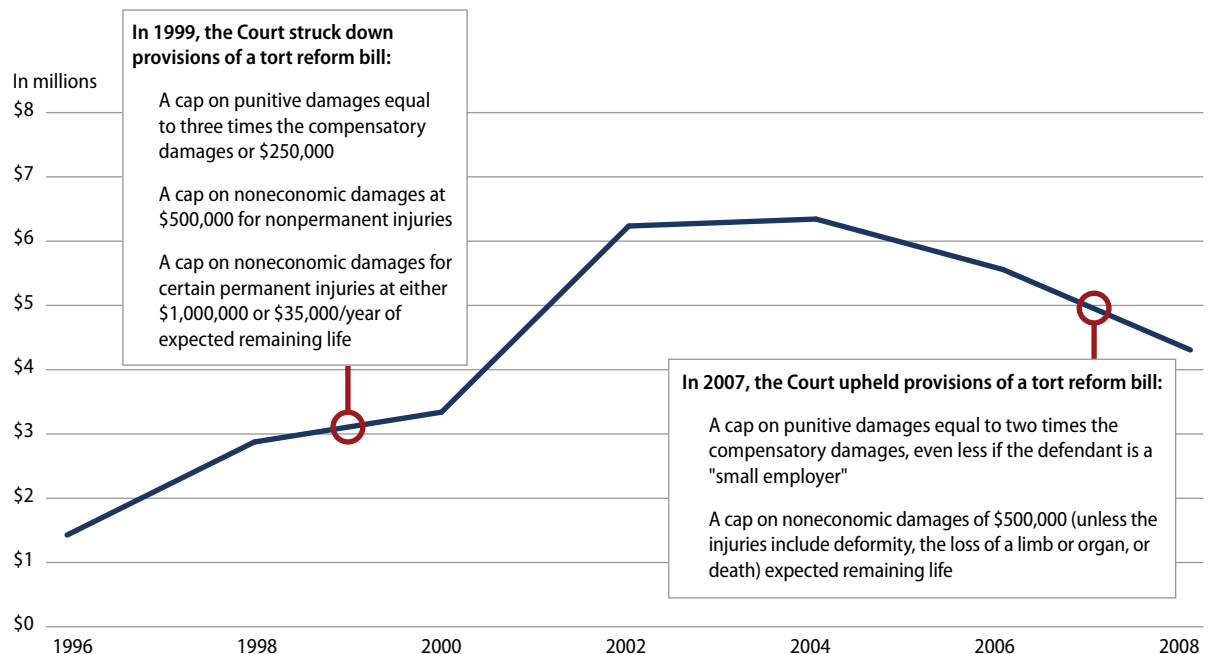
Source: Lexis-Nexis.

The appendix to this report includes 163 cases from the Ohio high court, and the court ruled against injured plaintiffs in 109 of those cases, a 68 percent success rate for corporate defendants. In the last five years, the court ruled for the defendants in 82 percent of the cases.¹⁵⁶ The influx of corporate campaign cash has resulted in a court that is very friendly to corporations.

One of these injured plaintiffs, Melissa Arbino, was before the court in 2006. Arbino sued Johnson & Johnson after she used its Ortho Evra birth-control patch and developed blood clots. Reports surfaced in 2005 pointing out that about a dozen women had died in the previous year from blood clots related to the patch.¹⁵⁷ An investigation concluded that “the risk of dying or suffering a survivable blood clot while using the device was about three times higher than while using birth control pills.”¹⁵⁸ Arbino said that she “sustained four blood clots, remains on blood-thinning medication, is precluded from using hormonal birth control and is subject to a high-risk pregnancy in the event she becomes pregnant.”¹⁵⁹

FIGURE 4
Ohio Supreme Court

Campaign cash and tort reform rulings



Sources: *State ex rel. Ohio Academy of Trial Lawyers v. Sheward*, 715 N.E. 2d 1062 (Ohio 1999); *Arbino v. Johnson & Johnson*, 880 N.E. 2d 420 (Ohio 2007); National Institute on Money in State Politics.

Despite the damage done to Arbino's cardiovascular system and the impact on any potential pregnancy, a 2005 statute limited her noneconomic damages to \$350,000.¹⁶⁰ Some evidence now suggests that the company deliberately avoided studying the patch's health risks because it was worried about the findings,¹⁶¹ but the statute prevented the jury from awarding the amount of punitive damages it deemed necessary to punish misconduct.

While acknowledging that it had struck down several statutes that were "similar in language and purpose" as recently as 1999, the corporate-funded Ohio Supreme Court upheld the 2005 statute that limited the damages available to Arbino and other injured plaintiffs.¹⁶² Justice Paul Pfeifer in dissent said:

*Today is a day of fulfilled expectations for insurance companies and manufacturers of defective, dangerous, or toxic products that cause injury to someone in Ohio. But this is a sad day for our Constitution and this court. And this is a tragic day for Ohioans, who no longer have any assurance that their Constitution protects the rights they cherish.*¹⁶³

Michigan

In February 2002 Douglas Ross began feeling pain in his back and legs. By April the pain was so severe that he could no longer stand or walk.¹⁶⁴ He was diagnosed with multiple myeloma, a cancer of the plasma cell. After receiving chemotherapy, he was referred to a bone-marrow transplant clinic. A few months later, however, Ross's condition took a drastic turn for the worse as he developed tumors all over his body. The clinic said it could no longer treat him and offered "medication to handle the pain as he died."¹⁶⁵ Following a doctor's recommendation, Ross's wife called a myeloma clinic in Arkansas, which said he needed immediate treatment.

Ross immediately requested that his HMO cover the clinic's treatment because it was outside of his network. The HMO needed to see the Arkansas clinic's treatment plan before making its decision. But when Ross arrived in Arkansas for an evaluation, the doctors found that "without treatment, he had only days to live."¹⁶⁶ The clinic began treating Ross, and he showed dramatic improvement.

The HMO's policy covered emergency treatment until the patient was stable enough to transfer to an in-network provider. The HMO denied Ross's claims for treatment at the Arkansas clinic "because either the services were available in network or there

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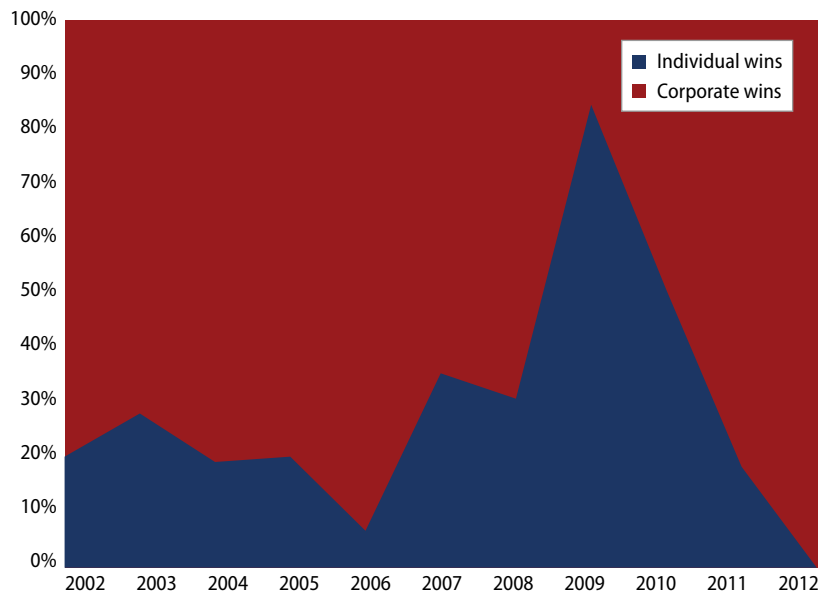
was no referral from his [physician].”¹⁶⁷ Ross continued his treatment until he passed away in April 2003. His wife appealed the HMO’s decision to the Michigan commissioner of insurance and finance. State law requires the commissioner to assign the case to a panel of physicians if the decision involves a question of medical necessity. The panel recommended on three occasions that the commissioner overturn the HMO’s decision, but she ultimately ruled that, excepting the first two weeks of his treatment in Arkansas, the HMO was justified in denying coverage.¹⁶⁸

Ross’s wife appealed to the Michigan Supreme Court. A five-justice majority ruled that the commissioner, a banker with no medical expertise, was justified in disregarding the recommendation of a panel of physicians.¹⁶⁹ The court focused on the definition of the word “recommendation,” which connotes a nonbinding suggestion.¹⁷⁰ The dissent noted that state law allows the commissioner to review the physicians’ recommendation “to ensure that it is not contrary to the terms of coverage” under the insurance plan. The dissent argued that since this was the only type of review mentioned in the statute, the commissioner lacked authority to review the physicians’ decision for any other reason.¹⁷¹

The opinion in the *Ross* case was written by a five-justice majority of pro-corporate judges elected with campaign cash from big business. About six months later the author of the opinion was defeated by a Democratic justice. The loss of the conservative judge, as well as a pro-plaintiff medical-malpractice decision in 2010, caused the insurance and health care industries to increase their donations to pro-defendant candidates in the next election.¹⁷² Business groups and the Republican Party also spent just under \$1 million each on ads supporting two pro-corporate candidates in 2010.¹⁷³ The two justices won, and the health care industry breathed a sigh of relief.¹⁷⁴

FIGURE 5

Michigan Supreme Court, personal injury cases



Source: Lexis-Nexis.

During the elections that initially gave pro-corporate justices a majority in 1998 and 2000, donations from the health care industry increased sharply, to just under \$300,000 each year.¹⁷⁵ With pro-corporate justices in the majority for the next 10 years, the high court only ruled in favor of individuals suing insurance companies, hospitals, or other corporate defendants on rare occasions.¹⁷⁶ The appendix to this report includes 164 cases from the Michigan high court from 2002 to 2012, and the court ruled for the defendants in 73 percent of those cases.¹⁷⁷

Mississippi

On December 14, 2007, Malik Carter was fast asleep in his parents' second-floor apartment in Clarksdale, Mississippi. His parents said that a fire started in the home of a downstairs neighbor, who had a record of starting fires.¹⁷⁸

"After arriving on the scene and discovering the apartment unit fully engulfed in flames, firefighters found the child in his second floor bedroom, lying in his bed, unconscious or perhaps already dead," according to a 2012 court opinion.¹⁷⁹ The pathologist who examined Malik commented that death by smoke inhalation "is a particularly dreadful manner in which to die."¹⁸⁰ Malik's parents sued the owners of the apartment complex, alleging that it was negligent in failing to maintain fire alarms as required by housing codes.

After a jury awarded Malik's parents more than \$1 million in noneconomic damages, the judge would have been forced to reduce the damages to satisfy the state's \$1 million cap, but the judge ruled the cap unconstitutional. The judge concluded that the limit on liability violated the plaintiffs' rights to a trial by jury and to "open courts" for injured citizens under the Mississippi Constitution.¹⁸¹ The judge also noted that if the legislature can limit damages to \$1 million, then it can limit damages to "any amount—\$10 or even at \$1." The order also criticized the legislature for infringing on the authority of the judiciary. "This court shall not surrender the keys to the courtroom—nor any power delegated to the judicial apartment of government—to the legislative branch."¹⁸²

The victory of Malik's family proved to be short lived, however. The Mississippi Supreme Court effectively overruled the decision after the Fifth Circuit Court of Appeals asked for its opinion on the constitutionality of the damages cap.¹⁸³ Even though it is the only court that can definitively interpret the state constitution, the Mississippi high court dodged the constitutional question. The Fifth Circuit then

ruled to uphold the limit.¹⁸⁴ The Mississippi Supreme Court is now composed of a majority of judges funded by corporate interest groups, and when asked to rule on the constitutionality of the damages cap, it abdicated its responsibility to its constituents and left plaintiffs such as Malik's family without an adequate remedy.

Millions of dollars began to flood Mississippi's high court elections in 2000, after a decade in which candidates did not raise any money. In 2004 candidates raised more than \$2.5 million, as the health care and insurance industries contributed heavily to candidates who would vote to limit liability.¹⁸⁵ Corporate-backed interest groups also spent heavily on independent ads that were ostensibly unaffiliated with the campaigns. One group, the Law Enforcement Alliance of America, spent more on ads in 2004 than all other groups and candidates combined.¹⁸⁶ Although the group describes itself as an organization of police officers and crime victims, reports from *The Wall Street Journal* and others suggest that the money it spends on Mississippi judicial races comes from the U.S. Chamber of Commerce.¹⁸⁷ After the 2004 election a group that advocates limiting liability praised the new Mississippi Supreme Court.¹⁸⁸

A 2008 article in the *Jackson Free Press* describes the battle for control of the Mississippi high court, with "the U.S. Chamber of Commerce stepping in to finance elections of judges who regularly oppose plaintiff cases."¹⁸⁹ The article quotes unnamed attorneys describing the court as "tightly in the pocket of industry" and one attorney who claimed that the court had "reversed 88 percent of all jury verdicts in favor of plaintiffs" in recent years.

Wisconsin

On May 2, 2004, 2-year-old Jonathan Horst was playing in the yard of his family's home with his older brother. Jonathan's father was mowing the lawn with his John Deere riding lawn mower. His father was mowing in reverse "along the rear of his house, looking over his right shoulder."¹⁹⁰ Though his father had no idea, Jonathan had moved behind the lawn mower, out of his line of sight. His father said that, as he moved backwards, "he saw Jonathan's shoe come out the other side."¹⁹¹ His father screamed, and his mother called 911. Jonathan was rushed to a hospital, where he faced multiple surgeries. He now wears prosthetics for both legs.¹⁹²

The mower that injured Jonathan was equipped with a "no-mow-in-reverse safety feature" that stops the blades when traveling in reverse.¹⁹³ It also, however, included "what amounts to an override feature" that allowed mowing in reverse.¹⁹⁴

The mower includes a warning to the driver to look out for children and states that “backing up while the mower is engaged is strongly discouraged.”¹⁹⁵ Jonathan’s parents filed suit against John Deere, alleging that a riding mower that allows mowing in reverse is defectively designed.

On appeal, the Wisconsin Supreme Court struggled with the question of how to determine whether the product was dangerous because if it was deemed dangerous, the manufacturer would be liable—whether it was negligent or not. The court ruled that a product must be assessed by asking whether it is dangerous to the consumer, not to bystanders.¹⁹⁶ The majority said that this rule applies even to products, such as lawn mowers, that are inherently more dangerous to bystanders than users.

The majority opinion by Justice Michael Gableman posited that the alternative approach would “impose huge and unjustified burdens on businesses (and through businesses, consumers as well).”¹⁹⁷ The majority opinion, however, did not go far enough for Justice Gableman, who also wrote a concurrence advocating a wholesale revision of products-liability law in Wisconsin.¹⁹⁸ Justice Gableman’s concurrence includes a lengthy quotation from a paper by Victor Schwartz, a corporate lawyer and the head of the Civil Justice Task Force at the American Legislative Exchange Council, or ALEC.¹⁹⁹ In dissent, Justice Ann Walsh Bradley said that the justices taking this position were acting “like legislators, advancing a policy initiative which they favor.”²⁰⁰

Justice Gableman was elected to the court in 2008 after industry groups, upset with a products-liability decision written by Justice Louis Butler, began a campaign to unseat Justice Butler. Wisconsin Manufacturers and Commerce, the state chapter of the U.S. Chamber of Commerce, attacked Justice Butler as an “activist” judge with “close ties to trial lawyers.”²⁰¹ His opponent, Justice Gableman, received hundreds of thousands of dollars from business interests,²⁰² and he was criticized for a racially tinged attack ad.²⁰³ Justice Butler was Wisconsin’s first and only African American justice.²⁰⁴

The 2005 opinion by Justice Butler that enraged big business involved a lawsuit by Steven Thomas, who was exposed to lead paint as a young child in Milwaukee, Wisconsin. From the age of 14 months to the age of 5, doctors found that Thomas had high levels of lead in his blood.²⁰⁵ Though he received treatments to remove the lead, his brain was permanently damaged, leading to severe cognitive impairments. Thomas faces “lifetime medical monitoring and is at high risk for kidney disease, high blood pressure and heart disease, among other conditions.”²⁰⁶

The Wisconsin Supreme Court held that even though Thomas could not identify which paint manufacturer was the specific source of his lead exposure, he could sue the manufacturers that contributed to the risk of his lead exposure.²⁰⁷ The court relied on a “risk-contribution” legal theory that originated in a lawsuit involving the morning-sickness drug diethylstilbestrol, or DES, in which, because of the passage of time, the plaintiff could not discern which pharmaceutical company manufactured the DES that caused her birth defects.²⁰⁸ The court noted that “the problem of lead poisoning from white lead carbonate is real; it is widespread; and it is a public health catastrophe that is poised to linger for quite some time.”²⁰⁹ After this decision spurred big business to elect Justice Gableman, a new pro-corporate majority took over the Wisconsin Supreme Court, transforming it into a tough venue for plaintiffs such as Jonathan Horst’s parents.

Many of the same corporate interests pouring money into judicial races are funding the campaigns of Wisconsin’s Republican legislators. When Gov. Scott Walker (R) took office in 2010, the first bill he proposed was a wide-ranging statute that limited liability and made it harder to hold wrongdoers accountable.²¹⁰ The bill resurrected many limits on legal liability that had recently been ruled unconstitutional by the Wisconsin Supreme Court—before pro-corporate justices controlled the bench.²¹¹ It also abolished the risk contribution theory of liability that was articulated in the *Thomas* case.

A report from the Wisconsin Center for Investigative Journalism examined the impact of the bill on efforts to hold nursing homes accountable for negligent care. Joshua Wahl, who suffers from spina bifida and brain damage and is paralyzed from the waist down, was living at a Wisconsin nursing home.²¹² One day his mother arrived for a visit and found that he had been moved to the emergency room for treatment of a bed sore that had been left untreated for four months. “She found a crater the size of a half-dollar on her son’s buttocks. Skin, fat and muscle had rotted away.”²¹³ Wahl also had E. coli, bone, and staph infections. “After surgery, he spent nine months lying on his stomach ... receiving wound therapy for his bedsore.”²¹⁴

Wahl’s mother filed suit on his behalf, but the 2011 tort-reform bill prohibits the use of state reports in litigation, closing off an important source of information for plaintiffs who often cannot testify for themselves. Even though this provision of the bill was allegedly aimed at “frivolous lawsuits,” it also prohibits the use of state investigative records in criminal-negligence prosecutions.²¹⁵ As the law was being considered, an attorney asked, “What other states limit the liability of nursing homes who injure and kill residents and destroy lives? There is no other state that has created a law that hides these incident reports.”²¹⁶

Louisiana

Shortly after Taylor Oliver was born on September 5, 2000, she began experiencing health problems such as infections, severe stomach pains, vomiting, and diarrhea.²¹⁷ Her mother took her to a clinic for treatment several times per month. She was treated by a nurse practitioner who prescribed more than 30 medications during her first year of life.²¹⁸ The nurse practitioner had no college degree but was allowed to practice because she was “grandfathered” into a system that now requires a college education.²¹⁹ The nurse practitioner refused the mother’s request to see a physician, even though Louisiana law requires nurse practitioners “to collaborate with a physician.”²²⁰

When Taylor finally saw a doctor, she was diagnosed with “a form of childhood cancer originating in the nerve tissue” that is very treatable if identified within the first year. According to a 2010 court opinion, “Taylor’s opportunity to live a normal life was lost when her condition was not timely identified.”²²¹ The cancer had spread to her face, skull, and spine, leaving her head and eyes misshapen and abnormally large. “Her bones have become weakened and brittle, such that she cannot participate in common youth activities, and she struggles each day to overcome learning disabilities.”²²²

A jury awarded Taylor and her mother \$6 million in “general damages,” but a statute limited such damages to \$500,000—one-twelfth of the jury’s award. An appeals court had previously ruled that applying the cap to Taylor’s case violated the Louisiana Constitution’s equal-protection provision, which forbids discrimination on the basis of “physical condition,” and its guarantee of an “adequate remedy.”²²³ The court reasoned that the legislature had chosen to “provide an ‘adequate remedy’ to some members of a class of victims” but denied “an ‘adequate remedy’ to other members of the same class because of their physical condition.”²²⁴

The appellate court’s decision, however, was overruled in a 2013 decision from the Louisiana Supreme Court.²²⁵ The high court said that the state’s proffered justification for the cap outweighed the impact on severely injured malpractice victims, positing that victims benefit because the cap ensures that the malpractice-insurance system remains solvent.²²⁶

Chief Justice Bernette Johnson dissented and argued the court should have delved into the justifications offered by the state. She argued that “the State presented no evidence that the cap has resulted in a reduction in insurance premiums for health care

providers, and no evidence of improved access to health care for citizens.”²²⁷ Justice Johnson noted that the state has “one of the most stringent caps in the nation.”²²⁸

Republicans gained control of the Louisiana Supreme Court in a 2012 election in which Justice Jeff Hughes was elected to a seat vacated by a Democratic justice. Justice Hughes raised more money than the seven candidates he defeated, and he was aided by nearly a million dollars’ worth of independent spending. The American Future Fund, a pro-corporate group with ties to the billionaire Koch brothers, spent more than \$100,000 to elect Justice Hughes. The largest single contributor in 2012 was the Louisiana Association of Business and Industry, the state’s chapter of the U.S. Chamber of Commerce.²²⁹ The association began contributing heavily to high court races in the late 1990s, when it played a key role in pressuring the state supreme court to stop the efforts of a Tulane University legal clinic to fight polluters in an already toxic area of Louisiana.²³⁰

Conclusion

No accountability for negligence

The rise of the movement to limit liability coincided with the ascendance of the conservative philosophy of small government. The movement really came together in the Reagan era, in which government was seen as “the problem, not the solution.” For conservatives, personal-injury victims have joined the ranks of welfare recipients and other so-called takers.²³¹

The rise of conservative legislators has led to an undermining of the social safety net. Conservatives pushing for small government have had mixed success at the federal level, passing welfare reform in 1996 but failing to cut Medicare or Social Security. With programs administered by the states such as Medicaid and welfare, Republican state legislators have the flexibility to be stingy with benefits.²³² As Tea Party legislators gain more power in state legislatures, they are becoming more creative in demonizing the needy and denying them help.²³³

In addition to seeing cuts in programs that provide health care or assistance to the disabled, citizens in many states who have been hurt or rendered disabled by a corporation’s negligence can no longer turn to the courts for justice. For much of the 20th century, manufacturers, health care providers, and polluters knew that if they engaged in harmful conduct, they could be held accountable and forced to pay money for their negligence.

But the rules that made our society safer are now being gutted by judges funded by big business. These judges consistently favor corporate defendants over citizens seeking to hold them accountable for negligence or wrongdoing. Just as John Adams, one of our nation’s founding fathers, warned, citizens are being “fleeced like horses [and] ridden like sheep.”²³⁴ Without accountability for corporate negligence, these states are less safe for workers, consumers, and patients.

Punitive damages, which are only awarded against wealthy defendants for whom ordinary damages would not serve as an effective deterrent, have now been limited to a point where “virtually all states now require egregious conduct” for punitive damages.²³⁵ This means that corporations with deep pockets have fewer reasons to avoid sacrificing safety for profits.

The statutory caps on liability, along with the pro-defendant rulings that follow corporate campaign cash, have resulted in a justice system that fails to hold wrongdoers accountable. Our society is becoming less safe because of these trends. When damages are limited, injured persons will have trouble finding lawyers to fight against deep-pocketed corporate defendants that can afford to prolong litigation.²³⁶ A 2013 report from the Commonwealth Fund found that “tort reform measures, such as those that lead to less testing of patients, will cause thousands more to die (beyond the nearly 100,000 that die each year from medical errors), and many more to be severely injured.”²³⁷

Advocates for capping damages argue that lawsuits ultimately harm consumers, as legal and compliance costs are built into products. The health care industry bemoans the cost of medical-malpractice insurance and “defensive medicine,” or overtreating patients so that doctors are not sued for missing a problem.²³⁸

But several studies have shown that increases in malpractice-insurance premiums are caused by economic cycles and investment markets, not lawsuits.²³⁹ A report from the Congressional Budget Office found that nationwide caps on damages would only reduce health care costs by 0.5 percent.²⁴⁰ Though some state-based or regional studies have found some reduced costs for the self-insured or for high-risk fields such as obstetrics,²⁴¹ many studies have shown that capping damages has little or no impact on costs.²⁴² Some recent studies that examined the Texas health care industry, which has some of the strictest limits on liability, found that the caps have not lowered health care costs.²⁴³

Frivolous lawsuits—the bogeyman of the movement to limit liability—are not even addressed by caps on damages. These caps only impact plaintiffs whose cases have not been dismissed and have been adjudged worthy by juries. The limits only come into play when a jury awards damages higher than the cap.

Even if limiting liability accomplished its proffered goals, these statutes are not worth the cost. Caps on damages only impact the most severely injured persons, and society cannot force these victims—rather than negligent health care pro-

viders—to pay the price for lower health care costs. Many scholars have noted that caps on noneconomic damages have a disproportionate impact on women, minorities, the disabled, and the elderly. These groups receive less in economic damages on average because of a lower expectation of future wages, whether due to retirement, employment discrimination, or other factors.²⁴⁴

These types of “reforms” are blunt instruments with disastrous and unfair consequences. There are fairer and more effective measures to address these problems. A November 2012 report from the Center for American Progress, for example, discusses a “safe-harbor” system under which physicians would be presumed to have no liability when they:

- Document adherence to evidence-based clinical practice guidelines
- Use qualified health information technology systems
- Use clinical decision support systems that incorporate guidelines²⁴⁵

Some states are experimenting with screening panels for medical-malpractice claims.²⁴⁶ These types of reforms can address any problem with frivolous lawsuits without harming injured patients. There are also several initiatives aimed at reducing medical errors, which are the source of malpractice lawsuits.

The impact of limiting liability on injured citizens has been immeasurable. Many statutes capping damages apply to all injury lawsuits, such as claims for dangerous products or damages from pollution, not just medical malpractice. Slanted media coverage is causing jurors to question the legitimacy of our entire civil-justice system. A 2007 *BusinessWeek* article said, “Lawyers in Texas say that after years of exposure to TV commercials, billboards, and campaign speeches, public opinion in the state has been profoundly affected.”²⁴⁷ The article quotes one Texas litigator as saying that, “They have demonized trial lawyers as money-hungry thugs. ... They have brainwashed jurors.”²⁴⁸ Studies have found that “the single biggest indicator of jury decisions is what jurors understand and believe about the alleged lawsuit crisis.”²⁴⁹

In addition to influencing potential jurors, groups that favor less accountability have succeeded in electing judges who share their views. The battle over the constitutionality of caps on damages has created a political battle for control of state supreme courts. State political parties spend money on behalf of interest groups on either side of the debate. It often seems that the question of whether capping damages for injured plaintiffs violates a litigant’s constitutional rights depends on which political party has a majority on the court.

Many of the reforms championed by fair courts advocates would ensure that judges decide cases based on facts and the law, not politics or campaign cash. Strong recusal standards can ensure that judges do not hear cases involving corporations or trial lawyers that donate to their campaigns.²⁵⁰ Most states select at least some of their judges through merit selection and retention election systems, in which judges are selected based on their qualifications with the help of an independent commission, and voters later decide whether to keep them on the bench.²⁵¹ These systems minimize the opportunities to politicize and influence the judiciary.²⁵² Public financing of judicial races can keep judges accountable to the public, not wealthy campaign contributors.²⁵³ If more states were to implement these reforms, judges could serve their rightful role of defining and protecting constitutional rights—such as the right to a day in court—without worrying that big business will attack them for it.

About the author

Billy Corriher is the Associate Director of Research for Legal Progress at the Center for American Progress, where his work focuses on state courts and the influence of political contributions on judges. Corriher joined CAP after serving as a weekly blogger for Notice and Comment, the *Harvard Law & Policy Review* blog, where he focused on federal appellate court cases and other legal and policy matters. He has also written op-eds and blog posts for the American Constitution Society and the Bill of Rights Defense Committee. Corriher received his bachelor's degree in political science from the University of North Carolina, Chapel Hill. He received a law degree and a master's degree in business from Georgia State University, graduating with honors in 2009. He is a member of the State Bar of Georgia.

Endnotes

- 1 Rachel Janutis, "The Struggle Over Tort Reform and the Overlooked Legacy of the Progressives," *Akron Law Review* 39 (2006): 943.
- 2 See Joseph A. Page, "Book Review: Deforming Tort Reform: Liability, The Legal Revolution and its Consequences," *Georgetown Law Journal* 78 (1990): 649.
- 3 Janutis, "The Struggle Over Tort Reform and the Overlooked Legacy of the Progressives," at 951-958.
- 4 A progressive-era amendment to the Pennsylvania Constitution states, "The General Assembly may enact laws requiring the payment by employers, or employers and employees jointly, of reasonable compensation for injuries to employees arising in the course of their employment, and for occupational diseases of employees. ... but in no other cases shall the General Assembly limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided." Pa. Const. art. III, § 18. A progressive-era amendment to the Ohio Constitution guarantees open courts for injured citizens, and another prevents the legislature from limiting damages in wrongful death lawsuits. Ohio Const. art. I §§ 16 & 19a.
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- 7 See the appendix. The appendix includes 1,489 tort cases from the high courts in Texas, Alabama, Ohio, Michigan, Illinois, and Pennsylvania. These cases are all of the tort cases in those courts from 2002 to 2012. The court ruled on behalf of the defendants in 1,032 of the cases.
- 8 See the appendix. The appendix includes 94 tort cases from the Ohio Supreme Court from 2007 to 2012, and the court ruled in favor of the defendants in 75 of those cases.
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- 10 Becca Aaronson, "Despite Counsel, Amputee Hindered by Tort Laws," *The Texas Tribune*, January 25, 2013, available at <http://www.texastribune.org/2013/01/25/double-amputee-challenges-texas-tort-reform/>.
- 11 Justin Williams, phone interview with author, April 16, 2013.
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- 13 Funding for the nation's largest tort-reform group, the American Tort Reform Association, "actually comes from most of the nation's largest corporations, particularly pharmaceutical, insurance, and tobacco companies, which ante up \$50,000 to \$75,000 a piece for their membership, according to a report in the *Legal Times*." Stephanie Mencimer, *Blocking the Courthouse Door* (New York: Free Press, 2006), p. 17.
- 14 "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law." U.S. Constitution, Amendment VII.
- 15 John Adams, *The Works of John Adams* (Boston: Bolles and Houghton, 1851), p. 482.
- 16 Stephanie Mencimer, "False Alarm," *Washington Monthly*, October 2004, available at <http://www.washingtonmonthly.com/features/2004/0410.mencimer.html>.
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- 21 American Tort Reform Association, "About ATRA: ATRA - At a Glance," available at <http://www.atra.org/about> (last accessed April 2013).
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- 23 *Bowling v. Pfizer, Inc.*, 143 F.R.D. 141 (1991).
- 24 Ibid. at 147.
- 25 After years of litigation the tobacco industry paid \$368.5 billion in 1997 to settle a lawsuit by several states to recover health care costs incurred in treating smokers. John Schwartz and Sandra Torrey, "Tobacco Pact Calls for Strict Federal Controls," *The Washington Post*, June 21, 1997, available at <http://www.washingtonpost.com/wp-srv/national/longterm/tobacco/stories/settle.htm>.
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- 27 Memorandum from Alexander H. King to Robert J. Graham, January 20, 1986; Deal and Doroshow, "The CALA Files: The Secret Campaign by Big Tobacco and Other Major Industries to Take Away Your Rights," p. 14.
- 28 Ibid.
- 29 Mencimer, *Blocking the Courthouse Door*, p. 33-47.

- 30 A 1996 Harvard Law Review article stated, "Recent federal and state tort reform resembles a political juggernaut crushing virtually all obstacles in its path. Notorious tort cases have attracted public scorn, creating a political atmosphere receptive to reform proposals." Note, "Common Sense" Legislation: The Birth of Neoclassical Tort Reform," *Harvard Law Review* 109 (1996): 1765.
- 31 This quote was attributed to Manhattan Institute President William Hamlet in a 2004 news article. Stephanie Mencimer, "False Alarm."
- 32 A 2012 poll from Rasmussen found that "68% of American Adults think there are too many unnecessary laws in the United States today." Rasmussen Reports, "68% Say There Are Too Many Unnecessary Laws in the U.S.," July 31, 2012, available at http://www.rasmussenreports.com/public_content/lifestyle/general_lifestyle/july_2012/68_say_there_are_too_many_unnecessary_laws_in_the_u_s. A 2008 poll by the U.S. Chamber of Commerce Institute for Legal Reform found that, "83% of voters say the number of frivolous lawsuits is a serious problem." Faces of Lawsuit Abuse, "Get the Facts," available at <http://www.facesoflawsuitabuse.org/facts/> (last accessed January 2013). "According to a 2003 ATRA survey, 85 percent of Americans believe too many frivolous lawsuits clog our courts." American Tort Reform Association, "About ATRA: A Track Record of Success," available at <http://www.atra.org/about> (last accessed January 2013).
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- 42 Forell, "McTorts," p. 135–137
- 43 *bid.*
- 44 *Ibid.* at 138. The jury also awarded Ms. Liebeck \$160,000 in compensatory damages—discounted because they found her responsible for 20 percent of the damage.
- 45 Haltom and McCann, *Distorting the Law*, p. 190.
- 46 Forell, "McTorts," p. 138.
- 47 *Ibid.* at 138–139.
- 48 Haltom and McCann, *Distorting the Law*, p. 207–222.
- 49 One scholar notes that, "Even today, the McDonald's Hot Coffee case continues to effectively conjure up an image of a plaintiff who lacked personal responsibility, her greedy tort lawyer, and a broken torts system." Forell, "McTorts," p. 142.
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- 51 Haltom and McCann, *Distorting the Law*.
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- 68 Haltom and McCann, *Distorting the Law*, p. 71.
- 69 Mencimer, *Blocking the Courthouse Door*, p. 55.
- 70 *Lucas v. United States*, 807 F.2d 414, 416 (5th Cir. 1986).
- 71 *Ibid.*
- 72 *Ibid.*
- 73 *Ibid.*
- 74 The New Hampshire Supreme Court ruled that a cap on damages violates the state constitution's equal-protection guarantee. *Carson v. Maurer* 424 A.2d 825 (N.H. 1980). The North Dakota Supreme Court ruled that a cap on damages violates equal protection. *Arneson v. Olson*, 270 N.W.2d 125 (N.D.1978). The Illinois Supreme Court ruled that a cap on damages violates a constitutional prohibition against "special privilege." *Wright v. Central Du Page Hosp. Assn.*, 347 N.E.2d 736 (Ill. 1976).
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- 116 *Loaisiga v. Cerda*, 379 S.W.3d 248, 253 (Tex. 2012).
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- 131 *Mobile Infirmary Medical Center v. Hodgen*, 884 So.2d 801 (2003).
- 132 *Ibid.* at 804.

- 133 Ibid.
- 134 Ibid. at 805.
- 135 Ibid.
- 136 Ibid. at n. 1.
- 137 Ibid. at 805.
- 138 Ibid.
- 139 Ibid. at 805–806.
- 140 Ibid. at 806.
- 141 Ibid. at 818. The jury awarded Hodgen no compensatory damages. A statute limited punitive damages to either \$1.5 million or three times the amount of compensatory damages.
- 142 *Henderson v. Alabama Power Co.*, 627 So.2d 878 (1993).
- 143 Ibid. at 880.
- 144 Ibid. at 893 (italics in original).
- 145 *Moore v. Mobile Infirmary Association*, 592 So. 2d 156 (1991).
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- 157 The Associated Press, “Birth-control patch may have higher risk,” *USA Today*, July 16, 2005, available at http://usatoday30.usatoday.com/news/health/2005-07-16-birth-control-patch_x.htm.
- 158 Ibid.
- 159 *Arbino v. Johnson & Johnson*, No. 3:06 CV 40010, 1 (N.D. Ohio June 20, 2006).
- 160 Ibid.
- 161 CBS News reported that a memo from Ortho McNeil, a Johnson & Johnson subsidiary, “shows that the company refused, in 2003, to fund a study comparing its Ortho Evra patch to its Ortho-Cyclen pill because of concerns there was ‘too high a chance that study may not produce a positive result for Evra’ and there was a ‘risk that Ortho Evra may be the same or worse than Ortho-Cyclen.’” CBS News, “Birth Control Patch Users Warned,” February 11, 2009, available at http://www.cbsnews.com/2100-500166_162-1037611.html?pageNum=1.
- 162 *Arbino v. Johnson & Johnson*, 880 N.E.2d 420, 427 (Ohio 2007).
- 163 Ibid. at 466.
- 164 *Ross v. Blue Care Network of Michigan*, 747 N.W.2d 828, 842 (2008) (Kelly, J., dissenting).
- 165 Ibid.
- 166 Ibid.
- 167 Ibid. at 831.
- 168 Ibid. at 833.
- 169 Ibid. at 837–842.
- 170 Ibid. at 838.
- 171 Ibid. at 845–846.
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- 175 National Institute on Money in State Politics, “High Court Candidates, Michigan, 1998,” available at http://www.followthemoney.org/database/StateGlance/state_candidates.phtml?f=J&y=1998&s=MI (last accessed May 2013); National Institute on Money in State Politics, “High Court Candidates, Michigan, 2000,” available at http://www.followthemoney.org/database/StateGlance/state_candidates.phtml?f=J&y=2000&s=MI (last accessed May 2013).
- 176 See the appendix.

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- 178 *Carter v. Interstate Realty Management Company*, No. 2:09CV066-P-A, 4 (N.D.Miss. Jan. 20, 2010).
- 179 *Carter v. Interstate Realty Management Company*, No. 14-CI-09-0019 (Coahoma Co. Cir. Court, April 20, 2012).
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Appendix

To illustrate the impact of judicial campaign contributions on tort cases, the Center for American Progress examined rulings from the six state supreme courts that saw the most campaign spending from 2002 to 2010, according to data from the National Institute on Money in State Politics. The data include rulings from the high courts in Texas, Alabama, Ohio, Michigan, Illinois, and Pennsylvania.

The Center for American Progress examined tort rulings from these courts over an 11-year period from 2002 to 2012. The dataset includes all cases in the Lexis-Nexis database labeled as “tort” cases in which the lawsuit was filed by an individual or individuals against a business, health care provider, or another private organization. The data exclude cases decided without an opinion, cases dismissed for a lack of appellate jurisdiction, and those involving workers’ compensation, family law, property disputes, corporate law, probate, criminal law, and legal or judicial ethics. The data do not include cases on remand from the U.S. Supreme Court and cases reheard in light of case law handed down while the appeal was pending. In those circumstances, justices often vote to apply precedent even though they disagree with the underlying decision.

KEY

- Individual wins
- Corporate wins

Listed in chronological order by year and within individual years in the order in which they appeared in the Lexis-Nexis database, the cases in which the court sided with the plaintiff are in blue, and the cases decided for the defendant are in red. The data set includes a total of 1,499 cases. The courts ruled in favor of corporate defendants in 1,032 cases, which amounts to a 70 percent success rate for corporate defendants. The trend toward pro-corporate rulings seems to be growing more pronounced. From 2007 to 2012 the Ohio Supreme Court ruled for defendants in 80 percent of the cases studied. The Texas and Alabama high courts, where big business has had great success in stacking the deck against injured plaintiffs, ruled for the defendants in 80 percent of the cases in 2011 and 2012.

Texas

The trend of increasing corporate campaign donations may have started with the Texas courts. By the mid-1990s pro-corporate judges dominated the bench and overwhelmingly ruled in favor of corporate interests. Of the 318 cases in the data set, the court ruled against injured plaintiffs in 83 percent of the cases. In 2011 defendants had an astonishing 88 percent success rate.

2002

***Centex Homes v. Buecher*, 95 S.W.3d 266:** Homebuyers sued the seller for breach of warranty. In a 5-2 vote, the court ruled for the defendant.

***Cmt. Bank & Trust v. Fleck*, 107 S.W.3d 541:** An estate sued a bank after it honored forged checks on the decedent's account. The court ruled unanimously for the plaintiff.

***In re E.I. du Pont de Nemours & Co.*, 92 S.W.3d 517:** The plaintiffs filed a class-action suit against a corporation for damages related to asbestos exposure. The court ruled unanimously for the defendant.

***St. Joseph Hosp. v. Wolff*, 94 S.W.3d 513:** A patient sued a hospital after a resident's tracheotomy resulted in severe bleeding and permanent brain damage. In a 6-2 vote, the court ruled for the defendant.

***Tex. Home Mgmt. v. Peavy*, 89 S.W.3d 30:** Parents sued an inpatient mental-health facility after a patient who

was released temporarily killed their daughter. Parents sued an inpatient mental-health facility after their daughter was killed by a patient who was visiting with his parents. In a 7-1 vote, the court ruled for the plaintiffs.

***Dow Chem. Co. v. Bright*, 89 S.W.3d 602:** A carpenter sued the defendant after he was employed by the defendant's contractor to work on its premises and was injured when a pipe fell on him. The court ruled unanimously for the defendant.

***Wal-Mart Stores, Inc. v. Rodriguez*, 92 S.W.3d 502:** An employee, who had previously presented his personal ID to use a company check, sued a retailer after he was arrested for theft by check after his former employer's check bounced. The court ruled unanimously for the defendant.

***Tex. Farm Bureau Mut. Ins. Cos. v. Sears*, 84 S.W.3d 604:** An employee sued his employer, alleging that he was investigated for false allegations

of kickbacks and fired. The court ruled unanimously for the defendant.

In re Allstate County Mut. Ins. Co., **85 S.W.3d 193**: Insureds sued their insurers, alleging that they induced appraisers to assess lower values for their vehicles. In a 6-2 vote, the court ruled for the defendants.

Am. Type Culture Collection v. Coleman, **83 S.W.3d 801**: Gulf War vets sued a corporation, alleging that they were harmed by chemical weapons made with components purchased from the corporation. The court ruled unanimously for the defendant.

Southwest Key Program, Inc. v. Gil-Perez, **81 S.W.3d 269**: A resident sued a home for boys for negligent supervision after he dislocated his knee playing tackle football. In a 7-2 vote, the court ruled for the defendant.

BMC Software Belg., N.V. v. Marchand, **83 S.W.3d 789**: An employee sued his employer after he was fired. The court ruled unanimously for the defendant.

Columbia Hosp. Corp. of Houston v. Moore, **92 S.W.3d 470**: A patient's family members sued the hospital after the patient died following surgery. In a 6-3 vote, the court ruled for the defendant.

Butnaru v. Ford Motor Co., **84 S.W.3d 198**: Potential buyers of a car dealership sued the seller and manufacturer after the seller sold it to the manufacturer under a right of first refusal. The court ruled unanimously for the plaintiffs.

Excel Corp. v. Apodaca, **81 S.W.3d 817**: An employee sued his employer after suffering work-related injuries to his wrist, neck, and back. The court ruled unanimously for the defendant.

Wal-Mart Stores v. Reece, **81 S.W.3d 812**: A customer slipped and fell at a retailer's snack bar, injuring her knee. The court ruled unanimously for the defendant.

Minyard Food Stores v. Goodman, **80 S.W.3d 573**: An employee sued her employer after a colleague falsely accused her of having an affair with a manager. The court ruled unanimously for the defendant.

Bowie Mem'l Hosp. v. Wright, **79 S.W.3d 48**: A patient sued her hospital after it misplaced her X-ray, alleging that doctors failed to diagnose a broken foot that required further surgeries. The court ruled unanimously for the defendant.

Am. Cyanamid Co. v. Geye, **79 S.W.3d 21**: Farmers sued an herbicide maker, alleging that its product damaged

their peanut crops. The court ruled unanimously for the plaintiffs.

***Union Pac. R.R. Co. v. Williams*, 85 S.W.3d 162:** An employee sued his employer after he was struck by flying debris at a rail yard and injured. The court ruled unanimously for the defendant.

***Gulf States Utils. Co. v. Low*, 79 S.W.3d 561:** A consumer sued a power company after it shut off his service. In a 5-4 vote, the court ruled for the defendant.

***In re Halliburton Co.*, 80 S.W.3d 566:** An employee sued his employer for race and age discrimination after he was demoted. The court ruled unanimously to compel arbitration.

***Mid-Century Ins. Co. v. Boyte*, 80 S.W.3d 546:** An insured sued his insurer over an uninsured motorist, or UIM, claim. The court ruled unanimously for the defendant.

***Southwestern Elec. Power Co. v. Grant*, 73 S.W.3d 211:** A consumer sued a power company after a damaged power line resulted in stray voltage and caused shocks in her home. The court ruled unanimously for the defendant.

***Limestone Prods. Distrib. v. McNamara*, 71 S.W.3d 308:** The family of a deceased driver sued the company to which a negligent driver was driving, in his capacity as an independent contractor, when he struck the decedent's vehicle. The court ruled unanimously for the defendant.

2003

***J.M. Davidson, Inc. v. Webster*, 128 S.W.3d 223:** An employee sued his employer, alleging that he was discriminated against for filing a workers' compensation claim. In a 6-3 vote, the court declined to compel arbitration.

***Provident Life & Accident Ins. Co. v. Knott*, 128 S.W.3d 211:** An insured sued his insurer for disability benefits after injuring his back in a plane crash. The court ruled unanimously for the defendant.

***Speed Boat Leasing, Inc. v. Elmer*, 124 S.W.3d 210:** A patron sued a speedboat operator after she broke her spine during a ride. The court ruled unanimously for the defendant.

***In re First Tex. Homes, Inc.*, 120 S.W.3d 868:** Homebuyers sued the builders for breach of contract and discrimination. The court ruled unanimously to compel arbitration.

***Am. Mfrs. Mut. Ins. Co. v. Schaefer*, 124 S.W.3d 154:** An insured sued his insurer over a claim for his car's diminished value after repairs. The court ruled unanimously for the defendant.

***Miller v. HCA, Inc.*, 118 S.W.3d 758:** Parents sued their hospital after it used life-saving measures on their extremely premature baby without their consent. The court ruled unanimously for the defendant.

***Delta Air Lines, Inc. v. Black*, 116 S.W.3d 745:** A consumer sued an airline after he was bumped due to overbooking. The court ruled unanimously for the defendant.

***Golden Eagle Archery, Inc. v. Jackson*, 116 S.W.3d 757:** A consumer sued the maker of a hunting bow after a piece of it struck him in the eye. The court ruled unanimously for the defendant.

***Wal-Mart Stores, Inc. v. Canchola*, 121 S.W.3d 735:** An employee sued his former employer for disability discrimination because he was fired after reducing his hours due to a heart condition. The court ruled unanimously for the defendant.

***Wingfoot Enterprises v. Alvarado*, 111 S.W.3d 134:** A temporary employee was assigned to a stamping machine at the defendant's factory in violation of the agreement with the temp agency,

and she had the tips of three fingers sliced off by the machine. In a 7-1 vote, the court ruled for the defendant.

***Jernigan v. Langley*, 111 S.W.3d 153:** A widow sued her husband's doctors, alleging that their negligence caused his death. The court ruled unanimously for the defendant.

***Union Pac. Res. Group, Inc. v. Hankins*, 111 S.W.3d 69:** Landowners filed a class-action suit against a gas company, alleging that it underpaid royalties for drilling. The court ruled unanimously to decertify the class.

***Roberts v. Williamson*, 111 S.W.3d 113:** Parents sued the doctors who treated their newborn infant, who was deprived of oxygen and suffered permanent injuries. In a 6-3 vote, the court ruled for the defendant.

***Baker v. Monsanto Co.*, 111 S.W.3d 158:** The plaintiffs sued a corporation for damages allegedly sustained from two toxic-waste sites. The court ruled unanimously for the plaintiffs.

***McIntyre v. Ramirez*, 109 S.W.3d 741:** A mother sued her doctor after he left during her delivery and her baby was severely injured in the birth. The court ruled unanimously for the defendant.

***Walker v. Gutierrez*, 111 S.W.3d 56:** A mother sued her doctor, alleging that

his treatment resulted in the premature birth and death of her child. The court ruled unanimously for the defendant.

***Horizon/CMS Healthcare Corp. v. Fischer*, 111 S.W.3d 67:** A widow sued her husband's doctors for medical malpractice. The court ruled unanimously for the defendant.

***Moritz v. Preiss*, 121 S.W.3d 715:** A widower sued his wife's doctor after she died following a kidney biopsy. The court ruled unanimously for the defendant.

***Wal-Mart Stores, Inc. v. Johnson*, 106 S.W.3d 718:** A customer sued a retailer after he was struck by a decorative reindeer that fell from a shelf in its store. The court ruled unanimously for the defendant.

***In re Bridgestone/Firestone, Inc.*, 106 S.W.3d 730:** Consumers sued a tire maker, alleging that its design was defective and caused the tires to fail. The court ruled unanimously for the defendant.

***Marathon Corp. v. Pitzner*, 106 S.W.3d 724:** A technician was hired by the defendant to fix its roof and fell in the process of doing so, suffering permanent and disabling brain damage. The court ruled unanimously for the defendant.

***Mission Petroleum Carriers, Inc. v. Solomon*, 106 S.W.3d 705:** An employee sued his employer, alleging that he was fired after a false result on a drug test. The court ruled unanimously for the defendant.

***Progressive County Mut. Ins. Co. v. Sink*, 107 S.W.3d 547:** The plaintiff was injured when the insured caused an accident while driving a rental car owned by his employer, and the plaintiff filed a claim under the insured's personal insurance policy. In a 6-3 vote, the court ruled for the defendant.

***Spohn Hosp. v. Mayer*, 104 S.W.3d 878:** Daughters sued their father's hospital after nurses failed to respond to his calls and he was strangled while attempting to get out of bed while harnessed. The court ruled unanimously for the defendant.

***Wal-Mart Stores, Inc. v. Miller*, 102 S.W.3d 706:** A plumber sued a retailer after falling on the retailer's stairs. The court ruled unanimously for the defendant.

***Gibson v. Tolbert*, 102 S.W.3d 710:** An inmate sued a prison doctor after he disregarded a back specialist's recommendation that the prisoner be assigned light work duty. The court ruled unanimously for the defendant.

Volkswagen of Am. Inc. v. Ramirez,

159 S.W.3d 897: Family members sued after the decedents were killed when a car manufactured by the defendant lost a wheel and collided with the decedents' vehicle. In a 6-2 vote, the court ruled for the defendant.

Southwestern Bell Tel. Co. v. Garza,

164 S.W.3d 607: An employee sued his employer because he was injured on the job by a colleague who allegedly struck him with the bucket on a truck. The employee was then fired after filing a workers' compensation claim. The court ruled unanimously for the defendant and threw out a punitive damages award.

Haggar Apparel Co. v. Leal, 154 S.W.3d

98: An employee sued her employer after she was fired following a diagnosis of carpal tunnel syndrome and absences at work. The court ruled unanimously for the defendant.

1464-Eight, Ltd. v. Joppich, 154 S.W.3d

101: A land buyer sued the seller. The court ruled unanimously for the defendant.

FFE Transp. Servs. v. Fulgham, 154

S.W.3d 84: An independent contractor sued his employer after its freight broke loose from his truck, causing it to flip and injure him. The court ruled unanimously for the defendant.

N. Am. Mortg. Co. v. O'Hara, 153

S.W.3d 43: Borrowers filed a class-action suit against their mortgage lender over a \$125 fee for preparing mortgage-loan documents. The court ruled unanimously for the defendant.

State Farm Mut. Auto. Ins. Co. v. Lopez,

156 S.W.3d 550: Insureds filed a class-action suit against their insurer, alleging that it owed them a portion of a surplus. The court ruled unanimously to decertify the class.

Garland Cmty. Hosp. v. Rose, 156

S.W.3d 541: A patient sued a hospital, alleging that its plastic surgeon botched her surgeries and left her with permanent scarring. The court ruled unanimously for the defendant.

Dillard Dep't Stores, Inc. v. Silva, 148

S.W.3d 370: A patron sued a store after he was detained and arrested for shoplifting. The court ruled unanimously for the defendant and threw out the punitive-damages award.

Schneider Nat'l Carriers, Inc. v. Bates,

147 S.W.3d 264: Residents sued their commercial neighbors for damages from dust and soot. The court ruled unanimously for the defendants.

Humble Sand & Gravel, Inc. v. Gomez,

146 S.W.3d 170: Employees who contracted lung disease sued the sup-

plier who sold products with asbestos to their employer. In a 6-2 vote, the court ruled for the defendant.

***New Times, Inc. v. Isaacks*, 146 S.W.3d 144:** A judge and prosecutor sued a newspaper and its reporters after the newspaper published a satire of the arrest of a 13-year-old reporter for “terroristic threats” in an article. The court ruled unanimously for the defendants.

***Simpson v. Afton Oaks Civic Club, Inc.*, 145 S.W.3d 169:** A homeowner sued a homeowners’ association over a mandatory fee. The court ruled unanimously for the plaintiff.

***In re Van Waters & Rogers, Inc.*, 145 S.W.3d 203:** Employees sued the suppliers of allegedly toxic products to which they were exposed. The court ruled unanimously for the defendants and deconsolidated the various lawsuits.

***Campus Invs., Inc. v. Cullever*, 144 S.W.3d 464:** Employees sued their employer after they were injured during a robbery. The court ruled unanimously for the plaintiff.

***First Valley Bank v. Martin*, 144 S.W.3d 466:** A debtor sued his creditor after it had him prosecuted for selling secured property. The court ruled unanimously for the defendant.

***F.F.P. Operating Ptnrs., L.P. v. Duenes*, 47 Tex. Sup. J. 1068:** Injured drivers sued a store that sold alcohol to another driver who crashed into the plaintiffs while intoxicated. In a 5-4 vote, the court ruled for the plaintiffs.

***Hoffmann-La Roche, Inc. v. Zeltwanger*, 144 S.W.3d 438:** An employee sued her former employer for sexual harassment. The court ruled unanimously for the defendant.

***Fort Worth Osteopathic Hosp., Inc. v. Reese*, 148 S.W.3d 94:** An expectant mother sued her hospital after she was admitted complaining of dizziness, the nurses had trouble detecting a fetal heartbeat, and her baby was later stillborn. In a 7-1 vote, the court ruled for the defendant.

***Texas Farm Bureau Mut. Ins. Co. v. Sturrock*, 146 S.W.3d 123:** The insured was injured when his foot was caught while exiting his truck, and sued his auto insurer for benefits. In a 5-4 vote, the court ruled for the plaintiff.

***Nissan Motor Co. v. Armstrong*, 145 S.W.3d 131:** A car buyer sued the carmaker after the car accelerated by itself. The court ruled unanimously for the defendant.

***Univ. of Tex. Southwestern Med. Ctr. v. Loutzenhiser*, 140 S.W.3d 351:** A mother sued a hospital, alleging that

a neonatal test resulted in her son's deformed hand. The court ruled unanimously for the defendant.

***Martinez v. Val Verde County Hosp. Dist.*, 140 S.W.3d 370:** Parents sued a hospital that removed their daughter's tonsils after she developed severe complications during surgery. The court ruled unanimously for the defendant.

***M. O. Dental Lab v. Rape*, 139 S.W.3d 671:** A patron sued a dental practice after she slipped and fell on a muddy patch of concrete outside the office. The court ruled unanimously for the defendant.

***N. County Mut. Ins. Co. v. Davalos*, 140 S.W.3d 685:** An insured sued his insurer, alleging that it refused to defend him in a lawsuit. The court ruled unanimously for the defendant.

***Exito Elecs. Co. v. Trejo*, 142 S.W.3d 302:** Relatives of the decedents filed suit against a manufacturer, alleging that its defective electrical cord caused a fatal house fire. The court ruled unanimously for the defendant.

***Snyder Communs., L.P. v. Magana*, 142 S.W.3d 295:** Employees filed a class-action suit against their employer over compensation that they were allegedly denied. The court ruled unanimously to decertify the class.

***IHS Cedars Treatment Ctr. of Desoto, Texas, Inc. v. Mason*, 143 S.W.3d 794:**

An injured passenger sued a mental-health facility after it discharged the driver, who suffered a psychotic episode while driving. The court ruled unanimously for the defendant.

***Shell Oil Co. v. Khan*, 138 S.W.3d 288:**

A gas-station employee sued the oil company that owned the station after he was shot during a robbery. The court ruled unanimously for the defendant.

***Compaq Computer Corp. v. Lapray*, 135 S.W.3d 657:** Consumers filed a class-action suit against a computer maker, alleging that its products were faulty. The court ruled unanimously to decertify the class.

***Binur v. Jacobo*, 135 S.W.3d 646:** A patient sued her doctor after he made an erroneous prognosis of breast cancer and suggested that she have a mastectomy. The court ruled unanimously for the defendant.

***Storage & Processors, Inc. v. Reyes*, 134 S.W.3d 190:** An employee sued his employer after a co-worker drove over his foot with a forklift, severing it. The court ruled unanimously for the plaintiff.

***Ford Motor Co. v. Ridgway*, 135 S.W.3d 598:** A car buyer sued the carmaker after his vehicle caught fire. The court ruled unanimously for the defendant.

***BMG Direct Mktg. v. Peake*, 178 S.W.3d**

763: Customers filed a class-action suit against a mail-order-CD seller over its late fees. The court ruled unanimously to decertify the class.

***In re Weekley Homes, L.P.*, 180 S.W.3d**

127: Homebuyers sued the builder, alleging that defects that caused asthma. The court ruled unanimously to compel arbitration.

***In re Living Ctrs. of Tex., Inc.*, 175**

S.W.3d 253: A family member sued a nursing home after a patient died, allegedly due to negligent care. The court ruled unanimously for the defendant on an evidentiary issue.

Diversicare General Partner, Inc. v.

***Rubio*, 185 S.W.3d 842:** A resident sued a nursing home after its employee sexually assaulted her. In a 6-3 vote, the court ruled for the defendant.

***Flores v. Millennium Interests, Ltd.*,**

185 S.W.3d 427: Homebuyers sued the developers for failing to disclose required information. In a 6-3 vote, the court ruled for the defendants.

Diamond Shamrock Ref. Co., L.P. v.

***Hall*, 168 S.W.3d 164:** A widow sued her husband's employer after her husband died in a refinery explosion. The court ruled unanimously for the defendant.

***In re McKinney*, 167 S.W.3d 833:** A

client sued his investment firm. The court ruled unanimously to compel arbitration.

***Murphy v. Russell*, 167 S.W.3d 835:** A

patient sued an anesthesiologist for giving her general anesthesia during a biopsy without her consent. The court ruled unanimously for the defendant.

***Freedom Newspapers v. Cantu*, 168**

S.W.3d 847: A former sheriff sued a newspaper, alleging that it committed defamation when it misconstrued his statements. The court ruled unanimously for the defendant.

***Sterling Trust Co. v. Adderley*, 168**

S.W.3d 835: Investors sued a trust company after a broker employed it in a scam to defraud retirees. The court ruled unanimously for the defendant.

***Battaglia v. Alexander*, 177 S.W.3d**

893: Family members sued professional responsibility associations after a patient died from lack of oxygen during surgery. In a 6-3 vote, the court ruled for the plaintiffs.

Michiana Easy Livin' Country, Inc. v.

***Holten*, 168 S.W.3d 777:** An RV buyer sued the dealer. In a 5-2 vote, the court ruled for the defendant.

***In re Nexion Health at Humble, Inc.*, 173 S.W.3d 67:** A widow sued her husband’s health care provider. The court ruled unanimously to compel arbitration.

***Romero v. KPH Consol., Inc.*, 166**

S.W.3d 212: A patient and his family sued his health care providers after he lost blood during surgery and suffered brain damage. The court ruled unanimously for the defendant.

***Nat’l Western Life Ins. Co. v. Rowe*, 164**

S.W.3d 389: Insureds filed a class-action suit against their insurer over refunds that required an opt-out for “riders.” The court ruled unanimously to decertify the class.

***Austin Nursing Ctr., Inc. v. Lovato*,**

171 S.W.3d 845: A daughter sued her mother’s nursing home after her mother developed bedsores and died. The court ruled unanimously for the plaintiff.

***Lorentz v. Dunn*, 171 S.W.3d 854:** A

woman sued her deceased sister’s doctors. The court ruled unanimously for the plaintiff.

***Chon Tri v. J.T.T.*, 162 S.W.3d 552:** Two

sisters sued a Buddhist monk and a temple after the monk raped them. The court ruled unanimously for the defendant, a leader in the temple.

***Haggar Clothing Co. v. Hernandez*, 164**

S.W.3d 386: An employee sued her

employer after she was fired following a diagnosis of carpal tunnel syndrome and absences at work. The court ruled unanimously for the defendant.

***Western Invs., Inc. v. Urena*, 162**

S.W.3d 547: A mother sued a landlord after its tenant lured her son onto its property and raped him. The court ruled unanimously for the defendant.

Diamond Offshore Mgmt. Co. v.

***Guidry*, 171 S.W.3d 840:** A widow sued the employer of her husband, a sailor, after he was thrown from a pick-up truck during an accident and killed. The court ruled unanimously for the defendant.

***GMC v. Iracheta*, 161 S.W.3d 46:** A

grandmother sued a carmaker, alleging that a defect in her grandson’s car caused a fire that killed him. The court ruled unanimously for the defendant.

***Hearst Corp. v. Skeen*, 159 S.W.3d 633:**

Prosecutors sued a newspaper and a reporter for defamation after a critical article. The court ruled unanimously for the defendants.

***In re Omni Hotels Mgmt. Corp.*, 159**

S.W.3d 627: A widow sued the hotel where her husband was staying when he drowned. The court ruled unanimously for the plaintiff.

***Creditwatch, Inc. v. Jackson*, 157**

S.W.3d 814: An employee sued her

employer and its CEO for sexual harassment. The court ruled unanimously for the defendant.

***Mills v. Warner Lambert Co.*, 157**

S.W.3d 424: Consumers filed a class-action suit against pharmaceutical companies over the ineffectiveness of their lice medicines. The court ruled unanimously for the plaintiffs.

***Military Highway Water Supply Corp. v. Morin*, 156 S.W.3d 569:** Family members sued a water company that dug a hole that the decedent struck after hitting a horse and flying off the road. The court ruled unanimously for the defendant.

2006

***Bed, Bath & Beyond, Inc. v. Urista*, 211 S.W.3d 753:** A customer sued a retailer, alleging that he was injured when trashcans fell on him as an employee was seeking to retrieve merchandise from a shelf using a broom. In a 7-2 vote, the court ruled for the defendant.

***Brainard v. Trinity Universal Ins. Co.*, 216 S.W.3d 809:** A widow sued her insurer for UIM benefits after her husband died in an accident. The court ruled unanimously for the plaintiff.

***State Farm Mut. Auto. Ins. Co. v. Nickerson*, 216 S.W.3d 823:** An insured sued her insurer for UIM benefits and attorneys' fees. The court ruled unanimously for the defendant.

***Tony Gullo Motors I, L.P. v. Chapa*, 212 S.W.3d 299:** A car buyer sued the dealer, alleging it sold him the wrong model of car. In a 7-1 vote, the court ruled for the defendant.

***In re Ford Motor Co.*, 211 S.W.3d 295:** Family members sued a carmaker and sought access to company documents. The court ruled unanimously for the defendant.

***Brookshire Grocery Co. v. Taylor*, 222 S.W.3d 406:** A customer sued a retailer after she slipped and fell on melted ice under a self-serve soft-drink dispenser. In a 7-2 vote, the court ruled for the defendant.

***In re Graco Children's Prods.*, 210 S.W.3d 598:** A mother sued the maker of a car seat, alleging defects that caused her infant to fall out during an accident. The court ruled unanimously for the defendant on an evidentiary issue.

***Mack Trucks v. Tamez*, 206 S.W.3d 572:** A truck driver's family sued a truck maker after the truck overturned and the driver died. The court ruled unanimously for the defendant.

***Parker v. Barefield*, 206 S.W.3d 119:**

Parents sued EMTs, alleging that their negligence caused their son's death. The court ruled unanimously for the plaintiffs.

***Fiess v. State Farm Lloyds*, 202 S.W.3d**

744: An insured sued his home insurer for a claim for mold damage. In a 7-2 vote, the court ruled for the defendant.

***LMB, Ltd. v. Moreno*, 201 S.W.3d 686:**

Family members sued a property owner after the decedent was killed in its parking lot. The court ruled unanimously for the defendant.

***Fifth Club, Inc. v. Ramirez*, 196 S.W.3d**

788: A patron sued a club after he was injured by a bouncer who was an independent contractor hired by the club. In a 5-4 vote, the court ruled for the defendant.

***Loram Maint. of Way, Inc. v. Ianni*,**

210 S.W.3d 593: A police officer sued an employer after its employee used drugs and then assaulted the officer. The court ruled unanimously for the defendant.

***Dew v. Crown Derrick Erectors, Inc.*,**

208 S.W.3d 448: Family members sued the maker of a lift from which the decedent fell and died. In a 6-3 vote, the court ruled for the plaintiff.

***Ross v. Nat'l Ctr. for the Empl. of the Disabled*, 197 S.W.3d 795:**

Shareholders sued a company owner for fraud. The court ruled unanimously for the defendant.

***In re Dallas Peterbilt, Ltd., L.L.P.*,**

196 S.W.3d 161: An employee sued his employer after he was fired. The court ruled unanimously to compel arbitration.

***Cooper Tire & Rubber Co. v. Mendez*,**

204 S.W.3d 797: Family members sued a tire maker, alleging that defects in a tire caused a fatal accident. The court ruled unanimously for the defendant.

***Guest v. Dixon*, 195 S.W.3d 687:** A

widow sued her husband's doctor for medical malpractice. The court ruled unanimously for the defendant.

***Larson v. Downing*, 197 S.W.3d 303:**

A patient sued her surgeon, alleging medical malpractice. The court ruled unanimously for the defendant.

***In re Lynd Co.*, 195 S.W.3d 682:** The

plaintiff sued a property owner after he fell from a second-story window. The court ruled unanimously for the defendant.

***Gonzalez v. McAllen Med. Ctr., Inc.*,**

195 S.W.3d 680: Family members

sued a nursing home after their relative was struck and injured by another patient. The court ruled unanimously for the plaintiffs.

***Jernigan v. Langley*, 195 S.W.3d 91:** A patient's family sued his doctors after he was misdiagnosed and died. The court ruled unanimously for the defendant.

***Kroger Co. v. Elwood*, 197 S.W.3d 793:** An employee sued his employer after his hand was injured when a car door shut on it. The court ruled unanimously for the defendant.

***Shupe v. Lingafelter*, 192 S.W.3d 577:** An injured driver sued another driver and his employer after he and they were involved in an accident. The court ruled unanimously for the defendant.

***Kroger Texas Ltd. Partnership v. Suberu*, 216 S.W.3d 788:** A customer sued a retailer for malicious prosecution after she was acquitted of crimi-

nal shoplifting charges. In a 7-2 vote, the court ruled for the defendant.

***Allstate Indem. Co. v. Forth*, 204 S.W.3d 795:** An insured sued her health insurer for allegedly failing to pay her claims. The court ruled unanimously for the defendant.

***Minn. Life Ins. Co. v. Vasquez*, 192 S.W.3d 774:** A widow sued her husband's life insurer. The court ruled unanimously for the defendant.

***Hyundai Motor Co. v. Vasquez*, 189 S.W.3d 743:** Parents sued a carmaker, alleging that a defective air bag contributed to the death of their child. The court ruled unanimously for the defendant.

***In re Dillard Dep't Stores, Inc.*, 186 S.W.3d 514:** An employee sued her former employer after she was fired. The court ruled unanimously for the defendant.

2007

***Ford Motor Co. v. Ledesma*, 242 S.W.3d 32:** A new truck buyer sued the truck maker after an axle came apart, causing him to wreck the truck. The court ruled unanimously for the defendant.

***LaSalle Bank Nat'l Ass'n v. White*, 246 S.W.3d 616:** A debtor sued her lender

after defaulting, alleging that the loan was unconstitutional. The court ruled unanimously for the plaintiff.

***Igal v. Brightstar Info. Tech. Group, Inc.*, 51 Tex. Sup. J. 184:** An employee sued her former employer, alleging that she was fired without cause. In

a 5-4 vote, the court ruled for the defendant.

***Best Buy Co. v. Barrera*, 248 S.W.3d**

160: Consumers filed a class-action suit against a retailer over fees for returning merchandise. The court ruled unanimously to decertify the class.

***Mid-Century Ins. Co. v. Ademaj*, 243**

S.W.3d 618: Insureds filed a class-action suit against an insurer over the collection of a legally mandated fee. The court ruled unanimously for the defendant.

***Knapp Med. Ctr. v. De La Garza*, 238**

S.W.3d 767: A doctor sued his former employer for defamation. The court ruled unanimously for the defendant.

***In re Pirelli Tire, L.L.C.*, 247 S.W.3d 670:**

A Mexican family sued a tire maker after the decedent's tire exploded, causing a fatal accident. In a 6-2 vote, the court ruled for the defendant.

Yancy v. United Surgical Ptnrs. Int'l,

***Inc.*, 236 S.W.3d 778:** A mother sued her daughter's health care providers after her daughter died during surgery to remove kidney stones, alleging that they failed to monitor her oxygen supply. The court ruled unanimously for the defendant.

***In re U.S. Home Corp.*, 236 S.W.3d 761:**

Homebuyers sued the sellers, alleging that defective showers caused mold.

The court ruled unanimously to compel arbitration.

***In re SCI Tex. Funeral Servs.*, 236**

S.W.3d 759: Consumers filed a class-action suit against a funeral-services company, alleging that it violated disclosure laws. The court ruled unanimously for the defendant.

***A.G. Edwards & Sons, Inc. v. Beyer*,**

235 S.W.3d 704: A daughter sued her father's investment broker after it botched an inheritance plan. The court ruled unanimously for the plaintiff.

***In re Merrill Lynch Trust Co. FSB*, 235**

S.W.3d 217: A client sued his investment firm, alleging fraud, breach of fiduciary duty, and other claims. The court ruled unanimously to compel arbitration.

***Stonebridge Life Ins. Co. v. Pitts*, 236**

S.W.3d 201: Insureds filed a class-action suit against their insurer over an allegedly deceptive telemarketing scheme. The court ruled unanimously to decertify the class.

***In re Kaplan Higher Educ. Corp.*, 235**

S.W.3d 206: Students sued a private school, alleging that they were fraudulently induced to enroll. The court ruled unanimously to compel arbitration.

***In re Merrill Lynch Trust Co. FSB*,**

235 S.W.3d 185: Clients sued their investment firm and life insurer. The

court ruled unanimously to compel arbitration.

***Gaines v. Kelly*, 235 S.W.3d 179:** A borrower sued a broker and a lender, alleging damages from a delay in obtaining financing. The court ruled unanimously for the defendants.

***In re H&R Block Fin. Advisors, Inc.*, 235 S.W.3d 177:** Clients sued an investment firm. The court ruled unanimously to compel arbitration.

***Cent. Ready Mix Concrete Co. v. Islas*, 228 S.W.3d 649:** An employee sued a truck owner after the employee was injured while cleaning the defendant's truck. The court ruled unanimously for the defendant.

***Ramos v. Richardson*, 228 S.W.3d 671:** An inmate sued his doctors for malpractice. The court ruled unanimously for the plaintiff.

***Schaub v. Sanchez*, 229 S.W.3d 322:** A patient sued her doctors for allegedly failing to get her informed consent for an injection into her spine. The court ruled unanimously for the defendants.

***Goodyear Tire & Rubber Co. v. Mayes*, 236 S.W.3d 754:** An injured driver sued an employer after its employee struck him while driving a company vehicle on a personal errand. The court ruled unanimously for the defendants.

***Brinson Ford, Inc. v. Alger*, 228 S.W.3d**

161: A patron sued a car dealer after she fell off a ramp while visiting the dealer. The court ruled unanimously for the defendants.

***In re Allied Chem. Corp.*, 227 S.W.3d**

652: Residents sued chemical makers, alleging that they were exposed to toxic fumes. In a 5-4 vote, the court ruled for the defendants.

***In re Allstate County Mut. Ins. Co.*, 227**

S.W.3d 667: An injured driver sued the other driver's insurer. The court ruled unanimously for the defendants on an evidentiary issue.

Bay Area Healthcare Group, Ltd. v.

***McShane*, 239 S.W.3d 231:** Parents sued the doctors who delivered their baby, who suffered brain damage. The court ruled unanimously for the defendants.

***Borg-Warner Corp. v. Flores*, 232**

S.W.3d 765: An injured brake mechanic sued the maker of brake pads that contained asbestos. The court ruled unanimously for the defendants.

F.F.P. Operating Partners, L.P. v.

***Duenez*, 237 S.W.3d 680:** A family sued a convenience store after they were injured when a driver, who had already consumed a case and a half of beer that day, collided with their car after leaving the defendant's convenience store to

purchase more beer. In a 7-2 vote, the court ruled for the defendant.

***Jackson v. Axelrad*, 221 S.W.3d 650:** A patient sued a doctor after he misdiagnosed him and the treatment made his condition worse. The court ruled unanimously for the defendant.

***Baylor Univ. v. Coley*, 221 S.W.3d 599:** A tenured librarian sued her employer, alleging that she was effectively demoted. The court ruled unanimously for the defendant.

***In re RLS Legal Solutions, LLC*, 221 S.W.3d 629:** An employee sued her employer, alleging that it threatened to withhold her wages if she did not sign an arbitration agreement. The court ruled unanimously to compel arbitration.

***Baylor Univ. v. Sonnichsen*, 221 S.W.3d 632:** A coach sued his employer for allegedly breaching an oral contract for employment. The court ruled unanimously for the defendant.

***Ontiveros v. Flores*, 218 S.W.3d 70:** The plaintiff sued an individual and an emergency-medical service. The court unanimously ruled for the defendant.

***Moki Mac River Expeditions v. Drugg*, 221 S.W.3d 569:** Parents sued a rafting-expedition company after their son died while rafting. In a 7-2 vote, the court ruled for the defendant.

***In re Disc. Rental, Inc.*, 216 S.W.3d 831:** The plaintiffs won a default judgment against the defendant. The court ruled unanimously for the defendant.

***State Farm Life Ins. Co. v. Martinez*, 216 S.W.3d 799:** A widow sued her husband's life insurer after it refused to pay her claim instead of the claim of his former wife. The court ruled unanimously for the defendant.

***Jack in the Box, Inc. v. Skiles*, 221 S.W.3d 566:** A truck driver sued his employer after he was injured climbing over a malfunctioning gate. The court ruled unanimously for the defendant.

***United Servs. Auto. Ass'n v. Brite*, 215 S.W.3d 400:** An employee sued his employer for age discrimination. The court ruled unanimously for the defendant.

***Gardner v. U.S. Imaging, Inc.*, 274**

S.W.3d 669: A patient sued his surgeon, alleging that complications from back surgery led to hearing loss. The court ruled unanimously for the plaintiff.

United States Fidelity Guar. Co. v.

***Goudeau*, 272 S.W.3d 603:** The plaintiff was injured when he exited his vehicle to help a driver injured in an accident, and the plaintiff sued his insurer for UIM benefits. In a 6-3 vote, the court ruled for the defendant.

***AutoZone, Inc. v. Reyes*, 272 S.W.3d**

588: An employee sued his employer for age discrimination after he was fired following a sexual harassment investigation. The court ruled unanimously for the defendant.

***In re GE Co.*, 271 S.W.3d 681:** A mason sued the maker of products containing asbestos after he developed lung disease. The court ruled unanimously for the defendant.

***In re Global Sante Fe Corp.*, 275 S.W.3d**

477: A sailor sued his employer for damages due to asbestos exposure. The court ruled unanimously for the defendant.

***In re Buster*, 275 S.W.3d 475:** A wife sued a nursing home after her husband, a resident, fell down a flight of

stairs. The court ruled unanimously for the plaintiff.

***In re Next Fin. Group, Inc.*, 271 S.W.3d**

263: An employee sued his employer, alleging that he was fired for reporting fraud. The court ruled unanimously to compel arbitration.

***Perry v. Cohen*, 272 S.W.3d 585:**

Shareholders sued a law firm for allegedly misrepresenting its finances prior to bankruptcy. The court ruled unanimously for the plaintiff.

***In re Union Carbide Corp.*, 273**

S.W.3d 152: The family of a deceased employee sued companies, alleging that he contracted leukemia from exposure to toxic chemicals. The court ruled unanimously for the defendant.

Reliance Steel & Aluminum Co. v.

***Sevcik*, 267 S.W.3d 867:** Plaintiffs sued an employer after its truck driver struck their car and injured them. The court ruled unanimously for the defendant.

***Adams v. YMCA*, 265 S.W.3d 915:**

Parents sued a camp after a counselor sexually abused their daughter. The court ruled unanimously for the plaintiffs.

***Davis v. Fisk Elec. Co.*, 268 S.W.3d**

508: An employee sued his employer

for racial discrimination after he was fired. The court ruled unanimously for the plaintiff.

Martinez-Partido v. Methodist

Specialty & Transplant Hosp., 267

S.W.3d 881: A patient sued a hospital for malpractice. The court ruled unanimously for the plaintiff.

Columbia Med. Ctr. of Las Colinas, Inc.

v. Hogue, 271 S.W.3d 238: The family of a deceased patient sued a hospital, alleging that it negligently outsourced its treatment. In a 7-2 vote, the court ruled for the plaintiff.

Brookshire Grocery Co. v. Goss, 262

S.W.3d 793: An employee sued her employer after she was injured on the job. The court ruled unanimously for the defendant.

In re Poly-America, L.P., 262 S.W.3d

337: An employee sued his employer, alleging that he was terminated as retaliation for filing a workers' compensation claim. In a 7-1 vote, the court ruled to compel arbitration.

In re Baylor Med. Ctr. at Garland, 280

S.W.3d 227: A couple sued a hospital for malpractice. In an 8-1 vote, the court ruled for the defendant.

Forest Oil Corp. v. McAllen, 268 S.W.3d

51: Landowners sued the defendant oil company for allegedly burying toxic materials on their property. In

a 7-2 vote, the court ruled to compel arbitration.

Trammell Crow Cent. Tex., Ltd. v.

Gutierrez, 267 S.W.3d 9: Family members sued a mall after the decedent was killed at the mall. The court ruled unanimously for the defendant.

In re McAllen Med. Ctr., Inc., 275

S.W.3d 458: Patients sued a hospital, alleging that a surgeon was not qualified. In a 6-3 vote, the court ruled for the defendant.

Pleasant Glade Assembly of God v.

Schubert, 264 S.W.3d 1: A parishioner sued a church and its members after she was forcefully subjected to an exorcism. In a 6-3 vote, the court ruled for the defendant.

JCW Elecs., Inc. v. Garza, 257 S.W.3d

701: The family of an inmate sued an electronics company after the inmate used its phone cord to hang himself. The court ruled unanimously for the defendant.

General Elec. Co. v. Moritz, 257 S.W.3d

211: An employee of an independent contractor was injured when he fell from a ramp while unloading cargo at the defendant's premises. In a 5-3 vote, the court ruled for the defendant.

Leland v. Brandal, 257 S.W.3d 204:

A widow sued her husband's dentist after he instructed her husband to

stop taking his blood thinning medicine before surgery and he suffered a stroke. In an 8-1 vote, the court ruled for the plaintiff.

***In re Roberts*, 255 S.W.3d 640:** A patient and her family sued her health care providers, alleging that negligent treatment of a cyst caused brain damage. The court ruled unanimously for the plaintiffs.

***In re Team Rocket, L.P.*, 256 S.W.3d 257:** The family of a pilot sued the plane manufacturer after he was killed in a crash. The court ruled unanimously for the defendant and changed the venue.

***Providence Health Center v. Dowell*, 262 S.W.3d 324:** Parents sued a health care provider, alleging that it was negligent in discharging their son after he made repeated suicide attempts and subsequently hung himself. In a 5-4 vote, the court ruled for the defendants.

***In re Citigroup Global Mkts., Inc.*, 258 S.W.3d 623:** Clients sued an investment firm after they lost millions investing in WorldCom. The court ruled unanimously to compel arbitration.

***Thao Chau v. Riddle*, 254 S.W.3d 453:** Parents sued a doctor, alleging that his negligence in intubating their son caused brain damage. The court ruled unanimously for the plaintiffs.

***Perry Homes v. Cull*, 258 S.W.3d 580:**

Homebuyers sued the sellers and warranty companies after their home experienced structural and drainage problems. In a 5-4 vote, the court ruled for the defendants.

***Igal v. Brightstar Info. Tech. Group, Inc.*, 250 S.W.3d 78:** An employee sued his former employers, alleging that he was terminated without cause. In a 5-4 vote, the court ruled for the defendant.

***Bic Pen Corp. v. Carter*, 251 S.W.3d 500:** A parent sued the maker of a lighter after her son started a fire in which her daughter was injured. The court ruled unanimously for the defendant.

***New Tex. Auto Auction Servs., L.P. v. De Hernandez*, 249 S.W.3d 400:** A car buyer sued the seller, an auction company, after the car flipped, injuring him. The court ruled unanimously for the defendant.

***20801, Inc. v. Parker*, 249 S.W.3d 392:** A patron sued a bar, alleging that it gave him 10 to 15 free drinks before he was injured in a fight. The court ruled unanimously for the defendant.

***Nationwide Ins. Co. v. Elchehimi*, 249 S.W.3d 430:** The insured sued his insurer for UIM benefits after an axle separated from a semi-truck and collided with the insured's vehicle.

In a 7-2 vote, the court ruled for the defendant.

***Murff v. Pass*, 249 S.W.3d 407:** A mother sued the doctor who delivered her daughter, who suffered permanent physical and mental disabilities, due to the circumstances of her birth. The court ruled unanimously for the defendant.

***Hamilton v. Wilson*, 249 S.W.3d 425:** A patient sued her doctor, alleging that the doctor negligently tore her esophagus while intubating her. The court ruled unanimously for the plaintiff.

***In re Jorden*, 249 S.W.3d 416:** A son sued her mother's doctor after she died of a heart attack. The court ruled unanimously for the defendant.

***Nat'l Union Fire Ins. Co. v. Crocker*, 246 S.W.3d 603:** A resident won a

judgment against a nursing-home employee then sued the employee's insurer to collect the judgment. The court ruled unanimously for the defendant.

***Living Ctrs. of Tex., Inc. v. Penalver*, 256 S.W.3d 678:** Sons sued a nursing home after their mother, a resident, was dropped by an employee and died from her injuries. The court ruled unanimously for the defendant.

***In re BP Prods. N. Am., Inc.*, 244 S.W.3d 840:** Survivors and the families of victims sued an oil company after a fatal explosion at its oil refinery. The court ruled unanimously for the defendant.

***In re Brookshire Grocery Co.*, 250 S.W.3d 66:** An employee sued her employer after she was injured on the job. The court ruled unanimously for the plaintiff.

2009

***Vanegas v. Am. Energy Servs.*, 302 S.W.3d 299:** Employees sued their employer for reneging on an alleged promise to give them a portion of the proceeds from selling the company. The court ruled unanimously for the plaintiff.

***In re Deere & Co.*, 299 S.W.3d 819:** The plaintiff sued the maker of a backhoe, alleging that a step gave way while

he stood on it, causing him to fall under the machine and get injured. The court ruled unanimously for the defendant.

***Whirlpool Corp. v. Camacho*, 298 S.W.3d 631:** Parents sued the maker of a dryer, alleging that a defect caused a fire that killed their son and destroyed their home. The court ruled unanimously for the defendant.

***In re Golden Peanut Co., LLC*, 298**

S.W.3d 629: An employee's family sued his employer after he died in an on-the-job accident. The court ruled unanimously to compel arbitration.

***In re Polymerica, LLC*, 296 S.W.3d**

74: An employee sued her employer, alleging that she was fired for reporting sexual harassment. The court ruled unanimously to compel arbitration.

***Mo. Pac. R.R. v. Limmer*, 299 S.W.3d**

78: A driver's family sued a railroad after the driver, whose view of oncoming trains was blocked, was hit by a train and killed. The court ruled unanimously for the defendant.

***In re Union Pac. R.R. Co.*, 294 S.W.3d**

589: Residents sued a railroad after a train derailed and released toxic chlorine gas. The court ruled unanimously for the defendant.

***Marks v. St. Luke's Episcopal Hosp.*,**

52 Tex. Sup. J. 1184: A patient sued a hospital after he fell out of bed. In a 5-4 vote, the court ruled for the defendant.

***Hernandez v. Ebrom*, 289 S.W.3d**

316: A patient sued his surgeon after complications following knee surgery. In a 6-3 vote, the court ruled for the defendant.

***In re Morgan Stanley & Co., Inc.*, 293**

S.W.3d 182: The manager of a trust fund was sued after the trust fund's

assets diminished significantly. In a 7-2 vote, the court declined to compel arbitration.

***State Farm Lloyds v. Johnson*, 290**

S.W.3d 886: An insured sued her home insurer over a dispute over damages from hail. The court ruled unanimously for the plaintiff.

Ferguson v. Bldg. Materials Corp. of

Am., 295 S.W.3d 642: The plaintiff sued a building-materials company after a building collapsed on him when it was struck by a truck. The court ruled unanimously for the plaintiff.

***Aviles v. Aguirre*, 292 S.W.3d 648:**

Twenty patients sued a doctor, alleging that he told them a physician's assistant on his staff was a doctor. The court ruled unanimously for the defendant.

***In re Columbia Med. Ctr. of Las Colinas*,**

290 S.W.3d 204: A widow sued a hospital after her husband was admitted to the hospital for kidney stones and died two days later. In a 5-4 vote, the court ruled for the defendant.

Galbraith Eng'g Consultants, Inc.

***v. Pochucha*, 290 S.W.3d 863:**

Homeowners sued an engineering firm that designed a drain, alleging that it was defective and caused water damage to their home. The court ruled unanimously for the defendant.

Nabors Drilling, Inc. v. Escoto, 288

S.W.3d 401: A driver's family sued an employer after its employee worked a 12-hour night shift and then caused a fatal accident. The court ruled unanimously for the defendant.

Columbia Rio Grande Healthcare, L.P.

v. Hawley, 284 S.W.3d 851: A patient sued a hospital after she was not notified that she had tested positive for cancer and did not learn she had cancer for several more months, delaying life-saving treatment. The court ruled unanimously for the defendant.

In re Collins, 286 S.W.3d 911:

A patient sued her doctor after her cancer was not diagnosed during two years of treatment. The court ruled unanimously for the defendant.

Timpte Indus. v. Gish, 286 S.W.3d 306:

An injured worker sued the maker of a trailer from which he fell and broke his ankles. The court ruled unanimously for the defendant.

Crites v. Collins, 284 S.W.3d 839:

A patient sued a doctor, withdrew the complaint, and then faced a request for sanctions by the doctor. The court ruled unanimously for the defendant.

Fort Brown Villas III Condo. Ass'n v.

Gillenwater, 285 S.W.3d 879: A guest sued condo owners after his finger was severed on a broken pool chair. The court ruled unanimously for the defendant.

Tanner v. Nationwide Mut. Fire Ins. Co.,

289 S.W.3d 828: The plaintiffs sued the insurer of a driver who struck their car while leading police on a high-speed chase. In an 8-1 vote, the court ruled for the plaintiff.

Mann Frankfort Stein & Lipp Advisors,

Inc. v. Fielding, 289 S.W.3d 844: An accountant sued his former employer over an agreement that he would pay the employer for taking any clients. The court ruled unanimously for the defendant.

Hcbeck, Ltd. v. Rice, 284 S.W.3d 349:

An employee was injured on the job and sued the company, which had contracted with his employer and obtained workers' compensation insurance for the worksite. In a 6-2 vote, the court ruled for the defendant.

Ford Motor Co. v. Castillo, 279 S.W.3d

656: An injured plaintiff settled with a car company in a products-liability suit and then sued the company for breaching the settlement agreement. The court ruled unanimously for the defendant.

Progressive County Mut. Ins. Co. v.

Kelley, 284 S.W.3d 805: An insured sued her insurer for UIM benefits after she was struck by a car while riding her horse. The court ruled unanimously for the defendant.

Phillips v. Bramlett, 288 S.W.3d 876:

Family members sued a doctor after

a patient died from complications from a hysterectomy. In a 5-4 vote, the court ruled for the defendant.

***Txi Operations, L.P. v. Perry*, 278**

S.W.3d 763: A truck driver sued a landowner for failing to adequately warn him of a pothole, which he struck, causing him to strike his head on the roof of his truck. In a 6-3 vote, the court ruled for the plaintiff.

***In re Labatt Food Serv., L.P.*, 279**

S.W.3d 640: The family of an

employee sued an employer after the employee died of an asthma attack at work. The court ruled unanimously to compel arbitration.

***In re Watkins*, 279 S.W.3d 633:** A

patient sued his doctor for malpractice. The court ruled unanimously for the plaintiff.

***Graber v. Fuqua*, 279 S.W.3d 608:** A

debtor sued a law firm after it filed a collection action against him. In a 5-4 vote, the court ruled for the plaintiff.

2010

***Yamada v. Friend*, 335 S.W.3d 192:**

Family members sued a doctor who advised a water park where the decedent suffered a heart attack. The court ruled unanimously for the defendant.

***MCI Sales & Serv. v. Hinton*, 329 S.W.3d**

475: Survivors and family members sued the maker and seller of a bus that crashed in a fatal accident. The court ruled unanimously for the plaintiff.

***In re Olshan Found. Repair Co., LLC*, 328 S.W.3d 883:**

Homeowners sued a repair company, alleging that its repairs were faulty. The court ruled unanimously to compel arbitration.

***Jelinek v. Casas*, 328 S.W.3d 526:** A

patient's family sued her doctors after she did not receive antibiotics for four

days following surgery. In a 6-3 vote, the court ruled for the defendant.

Univ. of Tex. Southwestern Med. Ctr. v.

***Estate of Arancibia*, 324 S.W.3d 544:**

A patient's family sued her hospital after she died from a botched surgery. In a 7-2 vote, the court ruled for the plaintiff.

***In re 24R, Inc.*, 324 S.W.3d 564:** An

employee sued her employer for age and disability discrimination. The court ruled unanimously to compel arbitration.

***Robinson v. Crown Cork & Seal Co.*, 251**

S.W.3d 520: A widow sued the manufacturer of an installation containing asbestos, a product with which her husband worked while in the Navy.

In a 6-2 vote, the court ruled for the plaintiff.

***Jefferson State Bank v. Lenk*, 323**

S.W.3d 146: An estate sued the decedent's bank after a scammer stole funds from his account. The court ruled unanimously for the defendant.

***Garcia v. Gomez*, 319 S.W.3d 638:** A patient's family sued her doctor, withdrew the complaint, and then faced a claim for attorney's fees. The court ruled unanimously for the defendant.

***Marks v. St. Luke's Episcopal Hosp.*, 319 S.W.3d 658:** A patient sued the hospital after he fell from a hospital bed. In a 5-4 vote, the court ruled for the defendant.

***Wal-Mart Stores, Inc. v. Merrell*, 313 S.W.3d 837:** Parents sued a retailer that sold a halogen lamp that allegedly caused a fire that killed their child. The court ruled unanimously for the defendant.

***Waffle House, Inc. v. Williams*, 313 S.W.3d 796:** An employee sued her employer, alleging that a coworker sexually harassed her. In a 7-2 vote, the court ruled for the defendant.

***State Farm Lloyds v. Page*, 315 S.W.3d 525:** An insured sued her home insurer over claims for water damage. The court ruled unanimously for the defendant.

***Travelers Ins. Co. v. Joachim*, 315**

S.W.3d 860: An insured sued his insurer for UIM benefits. The court ruled unanimously for the defendant.

***Scott & White Mem. Hosp. v. Fair*, 310**

S.W.3d 411: A patron sued a hospital after he was injured slipping on ice. The court ruled unanimously for the defendant.

***In re Ensco Offshore Int'l Co.*, 311**

S.W.3d 921: An Australian oil-rig worker sued an oil company after he was injured in an explosion in Singapore. The court ruled unanimously for the defendant.

***In re Odyssey Healthcare, Inc.*, 310**

S.W.3d 419: A nurse sued her employer after she was injured in a fall at a patient's home. The court ruled unanimously to compel arbitration.

***Del Lago Ptnrs. v. Smith*, 307 S.W.3d**

762: A patron sued bar owners after he was injured when a fight broke out. In a 6-3 vote, the court ruled for the plaintiff.

***In re United Servs. Auto. Ass'n*, 307**

S.W.3d 299: An employee sued his employer for age discrimination. The court ruled unanimously for the defendant.

***Spir Star AG v. Kimich*, 310 S.W.3d 868:**

An injured employee sued the maker

of a hose that ruptured. The court ruled unanimously for the plaintiff.

Walters v. Cleveland Reg'l Med. Ctr., 307 S.W.3d 292: A patient sued her hospital after discovering a sponge had been left in her body for nearly a decade. The court ruled unanimously for the plaintiff.

Methodist Healthcare Sys. of San Antonio, Ltd., L.L.P. v. Rankin, 307 S.W.3d 283: A patient sued her hospital after discovering a sponge left in her body for over a decade. The court ruled unanimously for the defendant.

In re Columbia Med. Ctr. of Las Colinas, 306 S.W.3d 246: A patient sued a hospital for malpractice. The court ruled

unanimously for the defendants and reduced the punitive damages.

Spectrum Healthcare Res., Inc. v. McDaniel, 306 S.W.3d 249: A patient sued her doctor and a hospital after she broke her pelvis during physical therapy. In a 6-3 vote, the court ruled for the defendant.

In re ADM Investor Servs., 304 S.W.3d 371: A client sued her investment firm after she incurred a deficit. The court ruled unanimously for the defendant.

In re United Scaffolding, Inc., 301 S.W.3d 661: An injured plaintiff sued the maker of the scaffolding from which he fell. The court ruled unanimously for the defendant.

2011

In re Serv. Corp. Int'l, 355 S.W.3d 655: Consumers sued a cemetery owner, alleging that it failed to maintain its cemetery. The court ruled unanimously for the defendant.

Etan Indus., Inc. v. Lehmann, 359 S.W.3d 620: Landowners sued a cable company for trespassing after the plaintiffs learned that it had no easement for a cable line. The court ruled unanimously for the defendant.

Shell Oil Co. v. Ross, 356 S.W.3d 924: Lessees sued an oil company for

alleged underpayment of royalties. The court ruled unanimously for the defendant.

Merck & Co. v. Garza, 347 S.W.3d 256: A patient's family sued the maker of Vioxx, an anti-inflammatory medication, alleging that its defects caused the patient's death. The court ruled unanimously for the defendant.

St. David's Healthcare P'ship, L.P., LLP v. Esparza, 348 S.W.3d 904: A patient sued a hospital after he slipped and fell on lubricant that fell on the floor

during an examination. The court ruled unanimously for the defendant.

***Barth v. Bank of Am., N.A.*, 351 S.W.3d**

875: The plaintiff sued a bank. The court ruled unanimously for the defendant.

***G & H Towing Co. v. Magee*, 347 S.W.3d**

293: An injured driver sued the other driver's employer. The court ruled unanimously for the defendant.

Omaha Healthcare Ctr., LLC v.

***Johnson*, 344 S.W.3d 392:** Family members sued a nursing home after a resident was bitten by a spider and died. In a 7-2 vote, the court ruled for the defendant.

***Scoresby v. Santillan*, 346 S.W.3d**

546: A patient sued a surgeon after suffering from internal bleeding after surgery. In a 7-2 vote, the court ruled for the plaintiff.

***BIC Pen Corp. v. Carter*, 346 S.W.3d**

533: A mother sued the maker of a lighter with which her 5-year-old son lit her daughter's dress on fire. The court ruled unanimously for the defendant.

***Serv. Corp. Int'l v. Guerra*, 348 S.W.3d**

221: Family members sued a cemetery after the decedent was moved without their consent. The court ruled unanimously for the defendant.

***Ojo v. Farmers Group, Inc.*, 356 S.W.3d**

421: Insureds filed a class-action suit, alleging that the insurer's pricing scheme had a discriminatory impact on minorities. The court ruled unanimously for the defendant.

***Nafta Traders, Inc. v. Quinn*, 339**

S.W.3d 84: An employee won an arbitration award for a sex discrimination claim, and the employer challenged the award. The court ruled unanimously for the defendant.

***Harris Methodist Fort Worth v. Ollie*,**

342 S.W.3d 525: A patient sued a hospital after she slipped and fell on a wet floor while recovering from surgery. The court ruled unanimously for the defendant.

Turtle Healthcare Group, L.L.C. v.

***Linan*, 337 S.W.3d 865:** A patient's family sued the maker of a ventilator that failed during a power outage, resulting in the patient's death. The court ruled unanimously for the defendant.

***Allen Keller Co. v. Foreman*, 343 S.W.3d**

420: Family members sued a contractor that left a gap between a guardrail and an embankment at the location of a fatal accident. The court ruled unanimously for the defendant.

***Jose Carreras, M.D., P.A. v. Marroquin*,**

339 S.W.3d 68: Parents sued their

daughter's doctors after she died during surgery to treat a broken leg. The court ruled unanimously for the defendant.

***In re Rubiola*, 334 S.W.3d 220:**

Homebuyers sued the builders/sellers, alleging that they lied about the condition of the home. The court ruled unanimously to compel arbitration.

Turtle Healthcare Group, L.L.C. v.

***Linan*, 54 Tex. Sup. J. 597:** Family members sued the maker of a ventilator after its battery ran out and the patient died. The court ruled unanimously for the defendant.

***Stockton v. Offenbach*, 336 S.W.3d**

610: A mother sued a doctor after her son's arm was permanently deformed during birth, alleging that the doctor was addicted to prescription pills. The court ruled unanimously for the defendant.

***Samlowski v. Wooten*, 332 S.W.3d**

404: A patient sued her surgeon after she suffered internal cuts and sepsis.

In a 6-3 vote, the court ruled for the defendant.

***Franka v. Velasquez*, 332 S.W.3d 367:**

Parents sued their doctors after their son suffered permanent injuries during birth. In a 6-3 vote, the court ruled for the defendants.

***Univ. of Tex. Health Sci. Ctr. v. Bailey*,**

332 S.W.3d 395: A patient sued her hospital after complications from back surgery. The court ruled unanimously for the plaintiff.

***Rosemond v. Al-Lahiq*, 331 S.W.3d**

764: A patient sued his doctors, alleging that he was injured by their failure to provide physical therapy while he was immobilized. The court ruled unanimously for the plaintiff.

***Molinet v. Kimbrell*, 356 S.W.3d 407:**

A patient sued her surgeon after she tore a tendon after the surgeon had repaired it. In a 7-2 vote, the court ruled for the defendant.

2012

***Natural Gas Pipeline Co. of Am. v. Justiss*, 56 Tex. Sup. J. 151:**

Homeowners sued a gas company, alleging damages from odor and noise from a refiner. The court ruled unanimously for the defendant.

***Felton v. Lovett*, 388 S.W.3d 656:** A patient sued his chiropractor after the patient's artery was injured and he had a stroke. The court ruled unanimously for the plaintiff.

***Tex. Mut. Ins. Co. v. Morris*, 383 S.W.3d**

146: An injured worker sued his employer's workers' compensation insurer, alleging delays in paying his benefits. The court ruled unanimously for the defendant.

***Rusk State Hosp. v. Black*, 55 Tex. Sup.**

J. 1320: Parents sued a psychiatric hospital after their son committed suicide while a patient there. The court ruled unanimously for the plaintiff.

***Loaisiga v. Cerda*, 379 S.W.3d 248:**

Patients sued a doctor, alleging that he groped their breasts during his examinations. In a 6-3 vote, the court ruled for the defendant.

***PNS Stores, Inc. v. Rivera*, 379 S.W.3d**

267: A patron sued a store after she slipped and fell. The court ruled unanimously for the defendant.

***U-Haul Int'l, Inc. v. Waldrip*, 380**

S.W.3d 118: An injured driver sued a truck-rental company after he was injured in an accident involving a truck that he rented. In an 8-1 vote, the court ruled for the defendant.

***Tex. West Oaks Hosp., LP v. Williams*,**

371 S.W.3d 171: An employee sued his employer for injuries inflicted during a confrontation with a violent patient. In a 6-3 vote, the court ruled for the defendant.

***Wansey v. Hole*, 379 S.W.3d 246:**

Parents sued their daughter's driving school after they suspected a teacher of having inappropriate contact with their daughter. The court ruled unanimously for the defendant.

***El Apple I, Ltd. v. Olivas*, 370 S.W.3d**

757: An employee sued her employer for sex discrimination. The court ruled unanimously for the defendant.

***Weeks Marine, Inc. v. Garza*, 371**

S.W.3d 157: A sailor sued his employer for injuries he sustained at work. In a 6-3 vote, the court ruled for the defendant.

***Centocor, Inc. v. Hamilton*, 372 S.W.3d**

140: A patient sued a drug maker after experiencing side effects. The court ruled unanimously for the defendant.

***Safeshred, Inc. v. Martinez*, 365 S.W.3d**

655: A truck driver sued his employer after he was fired for refusing to haul an unsafe load. The court ruled unanimously for the defendant and threw out a punitive-damages award.

***Ford Motor Co. v. Garcia*, 363 S.W.3d**

573: An injured passenger sued a car-maker, alleging that a defect in a tire caused an accident. The court ruled unanimously for the defendant and overturned the costs assessed to the plaintiff's guardian.

Traxler v. Entergy Gulf States, Inc., 376 S.W.3d 742: A home mover sued a power company after he was injured by a power line. The court ruled unanimously for the plaintiff.

Port Elevator-Brownsville, L.L.C. v. Casados, 358 S.W.3d 238: Parents sued an employer after their son, a temp worker, was killed in an accident. The court ruled unanimously for the defendant.

Alabama

The Alabama Supreme Court is now dominated by judges who favor corporations over individuals. This data set includes 642 cases from 2002 to 2012, and the court ruled in favor of the corporate defendants in 430 cases. That gives defendants a 68 percent success rate. In 2011 that number jumped to 87 percent.

Note: Not all Alabama judges are voting in every case. When this is the case, the number of judges that voted are noted in parentheses.

2002

***General Motors Corp. v. Kilgore*, 853**

So.2d 171: An employee sued his employer, alleging damages from asbestos exposure. In a 6-3 vote, the court entered a judgment for the employer.

***Ex parte Wilson*, 854 So. 2d 1106:** A

widower sued his wife's health care provider after her esophagus was sliced during surgery, leading to her death. In a 7-1 vote, the court ruled for the plaintiff.

***Ammons v. Tesker Mfg. Corp.*, 853 So.**

2d 210: An injured employee sued the maker of a machine that ejected a metal shard, which struck his eye and had to be removed. The court unanimously (5) ruled for the defendant.

***Potts v. Baptist Health System, Inc.*,**

853 So. 2d 194: An employee sued his employer for wrongful termination. In a 6-3 vote, the court ruled to compel arbitration.

***Brown v. Pool Depot, Inc.*, 853 So. 2d**

181: A homeowner sued a contractor over disputed fees for building a pool. The court unanimously (5) ruled for the plaintiff.

***Jim Walter Homes, Inc. v. Spraggins*,**

853 So. 2d 913: Homebuyers sued the home maker after discovering several defects in the home. In a 7-2 vote, the court ruled to compel arbitration.

***Cook's Pest Control, Inc. v. Rebar*, 852**

So. 2d 730: Consumers sued their exterminator for failing to exterminate their termites. In a 6-3 vote, the court rejected arbitration because the plaintiffs had sent the company an addendum to its agreement.

***Southern Bakeries, Inc. v. Knipp*,**

852 So.2d 712: An employee sued his employer after he was misled about the presence of asbestos and was exposed to it. In a 6-3 vote, the court threw out the plaintiff's claims

because any damages would occur decades in the future.

***Alabama Power Co. v. Aldridge*, 854 So. 2d 554:** An employee sued his employer for alleged retaliation for filing a workers' compensation claim. In an 8-1 vote, the court ruled for the employer.

***Holman v. Childersburg Bancorporation, Inc.*, 852 So. 2d 691:** Borrowers sued the bank after it allegedly reneged on an oral agreement to release the mortgage in exchange for a certain sum. The court unanimously ruled for the defendant.

***Tuck v. Health Care Auth. of Huntsville*, 851 So. 2d 498:** The family of a patient sued the hospital after the patient got out of her restraints, fell out of bed, and broke her hip. The court unanimously ruled for the defendant.

***Ex parte Healthsouth Corp.*, 851 So. 2d 33:** A patient sued a hospital after she fell and broke her hip, alleging that the hospital's employees failed to respond to her calls for assistance. In an 8-1 vote, the court ruled for the plaintiff.

***Secs. Am., Inc. v. Rogers*, 850 So. 2d 1252:** Consumers sued the investment firm after a con man opened a franchise under an assumed name and operated a Ponzi scheme. The court

unanimously (7) declined to compel arbitration.

***McConnell Auto. Corp. v. Jackson*, 849 So. 2d 159:** A car buyer sued the dealer. In an 8-1 vote, the court declined to compel arbitration.

***Johnson v. Stewart*, 854 So. 2d 544:** The plaintiffs sued a doctor and a radiologist for invading their privacy. In a 7-2 vote, the court ruled for the defendants.

***Leonard v. Terminix Intern. Co., LP*, 854 So. 2d 529:** Homeowners sued their exterminators. In a 5-4 vote, the court declined to compel arbitration.

***Crowl v. Kayo Oil Co.*, 848 So. 2d 930:** The plaintiff slipped and was injured at a gas station and sued several parties. In a 6-3 vote, the court ruled for the defendant.

***Smart Prof'l Photocopy Corp. v. Childers-Sims*, 850 So. 2d 1245:** Consumers filed a class-action suit against the defendant, alleging that it charged excessive fees for copies of certain records. The court unanimously (5) ruled to decertify the class.

***AmSouth Bank v. Dees*, 847 So. 2d 923:** Borrowers sued their bank, alleging that it converted their mortgage into a line of credit. In a 7-2 vote, the court ruled to compel arbitration.

***Chesser v. Amsouth Bank, N.A.*, 846 So. 2d 1082:** A borrower sued his bank after it failed to apply a refund from his credit-disability insurer to his past due payment and instead repossessed his truck. In a 7-1 vote, the court ruled to compel arbitration.

***Providian Nat'l Bank v. Pritchett*, 846 So. 2d 1072:** Consumers filed a class-action suit against a bank for fees allegedly charged for services that were not requested. The court unanimously (5) ruled to decertify the class.

***Mason v. Acceptance Loan Co., Inc.*, 850 So. 2d 289:** Borrowers sued their lenders, alleging fraud and other claims in connection with the sale of credit-life and disability insurance. In a 7-1 vote, the court ruled to compel arbitration.

***Cnty. Care of Am. of Ala. v. Davis*, 850 So. 2d 283:** A patient sued her nursing home after she developed ulcers on her feet, which then required amputation. The court unanimously (7) declined to compel arbitration.

***Ex parte Seaman Timber Co.*, 850 So. 2d 246:** Neighbors sued a timber plant for allegedly polluting their land. In a 7-1 vote, the court ruled for the defendant.

***Denmark v. Mercantile Stores Co.*, 844 So. 2d 1189:** The plaintiff tripped over

bags left on the floor at the defendant's place of business. In a 5-3 vote, the court ruled for the plaintiff.

***Potter v. First Real Estate Co., Inc.*, 844 So.2d 540:** Homebuyers sued a realtor for breach of contract. In a 6-3 vote, the court affirmed a verdict for the plaintiff.

***Commercial Union Ins. Co. v. Deshazo*, 845 So. 2d 766:** Employees of an independent contractor sued insurers that had inspected the facility in which they worked, alleging that the insurers failed to detect asbestos. The court unanimously ruled for the defendants.

***Moore v. Prudential Residential Servs. P'Ship*, 849 So. 2d 914:** Homebuyers sued the sellers and brokers for failing to disclose water damage. The court unanimously ruled for seven out of the eight defendants.

***Ex parte S. United Fire Ins. Co. v. Dewrell*, 843 So. 2d 151:** An insured sued his insurer for benefits after a dispute over alleged inaccuracies in his application. The court unanimously ruled for the insurer.

***Ex parte Organized Cmty. Action Program v. White*, 852 So. 2d 92:** A fired employee sued her employer for age discrimination. In a 7-2 vote, the court ruled for the employer.

***Lewis v. Conseco Fin. Corp.*, 848 So. 2d 920:** Homebuyers sued the home maker and a finance company. In a 7-1 vote, the court ruled to compel arbitration.

***Greene v. Csx Transp.*, 843 So. 2d 157:** Employees sued their employer for damages allegedly related to asbestos exposure. The court ruled unanimously for the employer.

***Byrd v. Bentley*, 850 So. 2d 232:** An employee sued his employers, alleging that they failed to provide him promised compensation. The court ruled unanimously (5) for the plaintiff.

***Campbell v. Naman's Catering, Inc.*, 842 So. 2d 654:** An employee sued his employer after it deducted funds from his paycheck for certain services but did not provide the services. The court ruled unanimously (5) for the employee and allowed two of his four claims to proceed.

***Hornady Truck Line, Inc. v. Meadows*, 847 So. 2d 908:** The plaintiffs were injured when a tractor trailer crossed to the wrong side of the road, and they sued the driver and his employer. The court unanimously (5) ruled for the plaintiff.

***Mostella v. N & N Motors*, 840 So. 2d 877:** A car buyer sued the dealer, alleging that it falsified the odometer. The court ruled unanimously to reject arbitration.

***Moore v. GAB Robins N. Am., Inc.*, 840 So. 2d 882:** An insured sued his home insurer over claims for rental income lost when a hurricane made travel to the home impossible. The court ruled unanimously for the plaintiff.

***Liberty Nat'l Life Ins. Co. v. Daugherty*, 840 So. 2d 152:** The plaintiff sued his former employer, alleging that it defamed him to potential clients. The court ruled unanimously (5) for the plaintiff.

***Brookfield Const. Co. v. Van Wezel*, 841 So. 2d 220:** Plaintiffs sued the company that constructed their home, alleging faulty workmanship. In an 8-1 vote, the court declined to compel arbitration.

***Bama's Best Hous. v. Hodges*, 847 So. 2d 300:** A homebuyer sued the seller. In a 7-1 vote, the court ruled to compel arbitration.

***Ex parte Maple Chase Co.*, 840 So. 2d 147:** The plaintiff sued the manufacturer of his smoke detector after he was injured in a fire in his home. In a 6-2 vote, the court ruled for the defendant.

***Conseco Finance v. Murphy*, 841 So. 2d 1241:** Plaintiffs sued the finance company, alleging fraud. In a 7-1 vote, the court ruled to compel arbitration.

***Jim Walter Homes, Inc. v. Nicholas*, 843 So. 2d 133:** A homebuyer sued the seller for fraud after discovering

alleged defects in the home. In an 8-1 vote, the court overturned a verdict for the plaintiff.

***Ex parte Lagrone*, 839 So. 2d 620:** The plaintiff sued the manufacturer of a jack after it allegedly struck him in the head while he repaired a tractor, causing brain damage. In an 8-1 vote, the court ruled for the plaintiff.

***Donoghue v. Am. Nat'l Ins. Co.*, 838 So. 2d 1032:** A consumer sued his life insurer, alleging that the agents misrepresented the benefits and told him that the policy would satisfy his retirement needs. The court ruled unanimously for the plaintiffs.

***Conseco Finance Corp. v. Boone*, 838 So.2d 370:** Plaintiffs sued the defendants, alleging fraud and other claims in connection with the sale and financing of a mobile home. In a 7-1 vote, the court ruled to compel arbitration.

***Ex parte Cain*, 838 So. 2d 1020:** A homebuyer sued the manufacturer of the home, alleging defects. The court ruled unanimously (7) for the plaintiff.

***Ex parte Sterilite Corp.*, 837 So. 2d 815:** An injured worker sued a corporation whose employee loaded a truck with a load that collapsed on him when the worker opened the door to the truck. The court ruled unanimously for the plaintiff.

Rivard v. Univ. of Ala. Health Servs.

***Found., P.C.*, 835 So. 2d 987:** A patient sued a hospital, alleging that bone grafts after an injury left him with further pain and medical problems. The court ruled unanimously for the plaintiff.

***Southtrust Bank v. Ford*, 835 So. 2d 990:** A decedent's estate sued his bank for allegedly drawing on a forged check. The court unanimously ruled to compel arbitration for the claims asserted on behalf of the decedent.

***Walker v. Guideone Specialty Mut. Ins. Co.*, 834 So. 2d 769:** An insured sued her insurer for UIM benefits after allegedly being struck by a phantom driver. The court unanimously ruled for the plaintiff.

***Harshaw v. Nationwide Mut. Ins. Co.*, 834 So. 2d 762:** The plaintiff sued her insurer for UIM benefits after she was struck by an uninsured driver. The court ruled unanimously for the plaintiff.

***Ex parte Celtic Life Ins. Co.*, 834 So. 2d 766:** An insured sued his insurer. The court ruled unanimously to compel arbitration.

Aronov Realty Brokerage, Inc. v.

***Morris*, 838 So. 2d 348:** A condo owner sued the sellers, alleging that they lied about certain amenities and the state of repairs. The court ruled unanimously (5) to reject arbitration.

***Hannah v. Gregg, Bland & Berry,* 840 So. 2d 839:** A widow sued an engineer and the maker of an industrial machine after her husband was crushed between two machines and killed. The court unanimously ruled for the plaintiff.

***Bethea v. Springhill Mem'l Hosp.,* 833 So. 2d 1:** A family sued a hospital after their baby suffered brain damage during birth. The court unanimously ruled to uphold a verdict for the defendants.

***Corbin v. Smith,* 842 So. 2d 610:** A patient sued his doctor and the veterans' home where he lived, alleging he was injured when his caretakers placed him in a wheelchair after a fall without first stabilizing his neck. The court ruled unanimously for the patient.

***H.R.H. Metals, Inc. v. Miller,* 833 So. 2d 18:** An injured employee sued his employer's contractor after he fell through a skylight on a building. The court ruled unanimously for the defendant.

***All Am. Termite & Pest Control, Inc. v. Walker,* 830 So. 2d 736:** A consumer sued an exterminator, alleging termite damage to his home. The court ruled unanimously (8) for the defendant and sent the case back to arbitration.

***J.C. Bradford & Co. v. Vick,* 837 So. 2d 271:** Investors sued an investment

firm, alleging that it mishandled their accounts. In a 7-1 vote, the court ruled to compel arbitration.

***Ex parte Jim Walter Homes,* 830 So. 2d 733:** A homeowner sued the builder and the mortgage buyer, alleging that they wrongfully kept the proceeds of an insurance claim for fire damage. The court ruled unanimously for the defendants and transferred the case to another venue.

***Worthy v. Cyberworks Techs.,* 835 So. 2d 972:** The plaintiffs sued a telemarketer for fraud and other claims. The court ruled unanimously (5) for the defendant.

***Alfa Mut. Ins. Co. v. Small,* 829 So. 2d 743:** An injured driver sued the insurer of the other car, which was owned by the other driver's girlfriend. The court ruled unanimously (8) for the other driver.

***Nat'l Ins. Ass'n v. Sockwell,* 829 So. 2d 111:** An insured sued her insurer for refusing to pay a claim. The court unanimously ruled to uphold a verdict for the plaintiff.

***Vann v. First Cmty. Credit Corp.,* 834 So. 2d 751:** Car buyers sued their loan provider. In an 8-1 vote, the court ruled to compel arbitration.

***Ex parte Cox,* 828 So. 2d 295:** Homebuyers sued the home maker.

The court ruled unanimously to reject arbitration because the defendant was not a party to the arbitration agreement.

***Lathan Roof Am., Inc. v. Hairston*, 828 So. 2d 262:** A construction worker was injured while working for a roofing company owned by the same persons that owned his employer. The court ruled unanimously (8) for the plaintiff.

***Bassie v. Obstetrics & Gynecology Assocs. of N.W. Ala., P.C.*, 828 So. 2d 280:** A widower sued his wife's hospital after she became "brain dead" while giving birth. The court ruled unanimously (8) for the defendant.

***Mathis v. Harrell Co.*, 828 So. 2d 248:** An injured employee sued his employer and the maker of farm machinery that injured him when he opened it in an unauthorized manner. In an 8-2 vote, the court ruled for the plaintiff.

***Ex parte Scott Bridge Co.*, 834 So. 2d 79:** An injured employee sued his employer, alleging that he was fired for filing a workers' compensation claim. In a 7-2 vote, the court ruled for the plaintiff.

***Ex parte Majors*, 827 So. 2d 85:** A husband sued his wife and a bank for allegedly allowing her to sign his name on loan documents. The

court ruled unanimously to reject arbitration.

***Ex parte Homes of Legend, Inc.*, 831 So. 2d 13:** A homebuyer sued the seller for defects. The court unanimously ruled for the plaintiff.

***Ex parte Kampis*, 826 So. 2d 819:** A homeowner sued a construction company after discovering defects that caused the floors in the home to slope. In a 7-1 vote, the court allowed arbitration to proceed.

***Liberty Nat. Life Ins. Co. v. Douglas*, 826 So.2d 806:** The plaintiff sued her employer after she was terminated following an on-the-job injury. In an 8-1 vote, the court declined to compel arbitration.

***Ex parte Learakos*, 826 So. 2d 782:** A homebuyer sued the seller after she discovered that the home was a restructured mobile home. In an 8-1 vote, the court ruled to compel arbitration.

***Keck v. Dryvit Systems, Inc.*, 830 So. 2d 1:** The plaintiff sued the defendant for negligently installing insulation in their home. In a 6-1 vote, the court affirmed summary judgment for the defendant.

***Harold Allen's Mobile Home Factory Outlet, Inc. v. Butler*, 825 So. 2d 779:** A homebuyer sued the seller. The

court unanimously ruled that a clause allowing the defendant to select the arbitrator was unconscionable.

***Jim Burke Automotive, Inc. v. McGrue*, 826 So. 2d 122 (2002):** A consumer sued a used-car dealer after she discovered that her car had previously been wrecked. In a 7-2 vote, the court ruled to compel arbitration.

***Ex parte Liberty Nat'l Life Ins. Co.*, 825 So. 2d 758:** Insureds sued their insurer for allegedly charging higher rates to African American insureds. The court ruled unanimously (8) for the insurer.

***General Motors Acceptance Corp. v. Dubose*, 834 So. 2d 67:** Buyers sued financiers of car purchases over improper fees. In a 6-3 vote, the court denied class certification.

***Reynolds Metals Co. v. Hill*, 825 So. 2d 100:** Employees sued their employer after their employer failed to pay the severance benefits that it allegedly promised them. In an 8-1 vote, the court overturned the class certification.

***Green Tree Fin. Corp. v. Channell*, 825 So. 2d 90:** Homebuyers sued their finance company. In an 8-1 vote, the court ruled to compel arbitration.

***Porter v. Colonial Life & Acc. Ins. Co.*, 828 So.2d 907:** An insured sued his life insurer. In an 8-1 vote, the court ruled to compel arbitration.

***Ex parte Thicklin*, 824 So. 2d 723:** A homebuyer sued the seller and maker. In an 8-1 vote, the court overturned an order compelling arbitration of some of the claims.

***Allstate Ins. Co. v. Ware*, 824 So. 2d 739:** Insureds filed a class-action suit against their insurer, alleging that it overcharged them. The court unanimously ruled to decertify the class.

***Ronnie Smith's Home Center, Inc., v. Luster*, 845 So.2d 764:** Plaintiffs sued the company that constructed their home, alleging problems with the workmanship. In an 8-1 vote, the court declined to compel arbitration.

2003

***Ex parte Liberty Nat'l Life Ins. Co.*, 888 So. 2d 478:** Insureds filed a class-action suit against their insurer, alleging that it fraudulently encouraged them to switch to new insurance plans

with less coverage. After the case was settled, the insured filed another suit over the new policies offered to them under the settlement. The court unanimously (7) ruled for the insurers.

***Breaux v. Thurston*, 888 So. 2d 1208:**

A patient sued his surgeon and a clinic after a surgical clamp was left in his intestine after surgery. In a 7-1 vote, the court ruled for the defendants.

***Veteto v. Swanson Servs. Corp.*, 886**

So. 2d 756: An inmate sued a prison vendor for items he ordered but never received or received in a damaged condition. The court ruled unanimously (5) to throw out the inmate's claim.

***Ex parte Procom Servs.*, 884 So. 2d**

827: An employee sued his employer, alleging that it did not pay him the salary he was promised. The court ruled unanimously (7) for the defendant.

***Dolgenercorp, Inc. v. Hall*, 890 So. 2d 98:**

A consumer sued a storeowner after a bottle of liquid drain cleaner spilled on her face and body while she was shopping. The court unanimously (5) ruled for the defendant.

***DCH Healthcare Auth. v. Duckworth*,**

883 So. 2d 1214: A widow sued an ER clinic that treated her husband, alleging that he was harmed by a three-hour delay in diagnosing his condition. The court unanimously (5) ruled for the defendant.

***AmSouth Bank v. Looney*, 883 So. 2d**

1207: A consumer sued her bank for allegedly disclosing her account information. The court unanimously (5) ruled for the bank and ordered the case to arbitration.

***Callaway v. Whittenton*, 892 So. 2d**

852: Consumers sued the person who repossessed their vehicle after they had negotiated a late payment with their financier. The court unanimously (5) ruled for the plaintiff, allowing his claim for wrongful repossession to proceed.

***Scott Bridge Co. v. Wright*, 883 So. 2d**

1221: An injured construction worker sued his employer, alleging that he was fired in retaliation for filing a workers' compensation claim in Georgia. The court unanimously (5) ruled that state law did not recognize a retaliation claim for claims filed in other states.

Williams v. State Farm Mut. Auto. Ins.

Co., 886 So. 2d 72: A truck driver was injured in an accident caused by the insured, and he sued the insured's insurer over the damages. The court unanimously (5) ruled for the insurer.

***GMC v. Jernigan*, 883 So. 2d 646:** A

child was injured in a car accident and his parents sued the carmaker on his behalf for alleged design defects. The court unanimously (7) ruled for the defendant

***SCI Ala. Funeral Servs. v. Corley*, 883**

So. 2d 1206: A consumer sued a funeral home. The court unanimously ruled for the defendant and ordered the suit to arbitration.

***Pearson v. Brooks*, 883 So. 2d 185:**

An employee sued her supervisors after she slipped while working at the

chicken-processing facility, fell on a skinning machine, and severed a finger. The court unanimously (8) ruled for the defendants.

***Serv. Corp. Int'l v. Fulmer*, 883 So. 2d 621:** A consumer sued a funeral home after he was given the wrong cremated ashes. The court unanimously (8) ruled to compel arbitration.

***State Farm Mut. Auto. Ins. Co. v. Harris*, 882 So. 2d 849:** A minor was injured in an accident caused by a negligent driver and sued his father's insurer for UIM coverage. In a 7-1 vote, the court ruled for the insurer and found that the minor was not a relative of his father under the policy.

***Dunning v. New Eng. Life Ins. Co.*, 890 So. 2d 92:** Employees sued the life insurer who managed the plans offered by their employer. The court unanimously (8) ruled that the plaintiffs lacked standing because they had no contracts with the insurer.

***Wal-Mart Stores, Inc. v. Hepp*, 882 So. 2d 329:** An employee sued his employer, alleging that he was fired in retaliation for filing a workers' compensation claim. The court unanimously (7) ruled for the employer.

***Ex parte Horton Family House, Inc.*, 882 So. 2d 838:** A homebuyer sued the seller and financier after her loan fell through. The court unanimously (8) ruled for the plaintiffs.

***Kingvision Pay-Per-View, Ltd. v. Ayers*, 886 So. 2d 45:** The plaintiff filed suit against a cable company after it hired lawyers to pursue payment for an allegedly pirated viewing of a boxing match. The court unanimously (8) ruled for the plaintiff.

***Harbor Vill. Home Ctr., Inc. v. Thomas*, 882 So. 2d 811:** Homebuyers sued the sellers after discovering alleged defects in the home. The court ruled unanimously (8) for the defendant and ordered arbitration.

***Ex parte Alloy Wheels Int'l*, 882 So. 2d 819:** The decedent's family sued the maker of the wheels on his vehicle, alleging a design flaw caused a fatal accident. The court unanimously (8) granted the defendant summary judgment.

***Pittman v. United Toll Sys., LLC*, 882 So. 2d 842:** An injured driver sued a toll-booth operator after the driver was in an accident caused by ice accumulated outside a toll booth. In a 7-1 vote, the court ruled for the plaintiff.

***Ex parte Sears, Roebuck & Co.*, 882 So. 2d 326:** An injured employee sued her employer. The court unanimously (8) ruled for the plaintiff.

***Harrelson v. R.J.*, 882 So. 2d 317:** A parent sued the parents of her daughter's friend after the friend's stepfather sexually assaulted their daughter. The court unanimously (5) ruled for the mother.

***Ex parte Perfection Siding, Inc.*, 882 So. 2d 307:** An injured construction worker fell on the job and sued his employer for failing to provide a safe workplace. The court unanimously (8) ruled for the plaintiff and denied the employer's request to change the venue.

***Elizabeth Homes, L.L.C. v. Gantt*, 882 So. 2d 313:** Homebuyers sued the home maker for alleged defects. The court unanimously (5) ruled for the defendant and ordered arbitration.

***Dickinson v. Land Developers Constr. Co.*, 882 So. 2d 291:** Homebuyers sued the home builder and an exterminator for termite damage. The court unanimously (5) ruled for the plaintiffs on the claims based on latent defects.

***Newson v. Protective Indus. Ins. Co.*, 890 So. 2d 81:** Insureds sued their life insurer for failing to apply their payments toward their premiums when it agreed to do so and for encouraging them to cash out their policy for a more expensive policy. The court unanimously (8) ruled for the plaintiffs.

***Steele v. Walser*, 880 So. 2d 1123:** A homebuyer sued the home maker for allegedly misleading the buyer on necessary modifications to the home. The court unanimously (8) ruled for the defendants and ordered arbitration.

***SouthTrust Corp. v. James*, 880 So. 2d 1117:** A client sued her bank after her checks were lost in the mail and then forged and cashed, disrupting her credit history. The court unanimously (5) ruled for the defendants and ordered arbitration.

***Mobile Infirmary Med. Ctr. v. Hodgen*, 884 So.2d 801:** The patient suffered brain damage, organ failure, and amputation of a leg after a nurse mistakenly administered five times the amount of a drug that a doctor had prescribed. In a 5-3 vote, the court ordered remittitur of punitive damages.

***Coca-Cola Bottling Co. Consol. v. Hollander*, 885 So.2d 125:** An employee alleged that his employer terminated him for filing for workers' compensation. In a 6-2 vote, the court entered judgment for the employer.

***Middleton v. Lightfoot*, 885 So. 2d 111:** A patient's family sued his doctor after the patient died a day after undergoing surgery, from a cut to his small bowels that his surgeon unknowingly made. The court unanimously (8) ruled for the plaintiff and granted him a new trial.

***Liberty Natl Life Ins. Co v. Ester*, 880 So.2d 1112:** Insureds alleged that their insurer fraudulently induced them to buy insurance. In a 7-1 vote, the court granted a motion to compel arbitration.

***Jim Walter Homes, Inc. v. Saxton*, 880 So. 2d 428:** Homebuyers sued the home sellers. The court unanimously (8) ruled to compel arbitration.

***Wilson v. Manning*, 880 So. 2d 1101:** A former inmate sued a jail doctor after she was not provided her medication for two weeks, leading to the full amputation of her already partially amputated leg. The court unanimously (7) ruled for the plaintiff.

***Southern Pine Elec. Coop. v. Burch*, 878 So. 2d 1120:** A customer established an account with the power company after his cousin missed payments with her previous account, and the customer sued after the company shut off his power for 34 days. In a 7-1 vote, the court ruled for the plaintiff.

***UBS Painewebber, Inc. v. Brown*, 880 So. 2d 411:** A client sued a stockbroker for allegedly unauthorized purchases. In a 6-1 vote, the court ruled for the defendant and ordered arbitration.

***United Wis. Life Ins. Co. v. Tankersley*, 880 So. 2d 385:** Insureds sued their group health insurer alleging that it adjusted their premium based on individual rather than group characteristics. In a 7-1 vote, the court ruled for the plaintiffs and rejected arbitration.

***Frazier v. St. Paul Ins. Co.*, 880 So. 2d 406:** An injured employee sued his

employer's insurer for UIM benefits. In a 7-1 vote, the court ruled for the employee and said that his workers' compensation benefits did not preclude UIM benefits.

Morris v. Cornerstone Propane

***Partners*, 884 So.2d 796:** Farmers filed a class-action suit, alleging that the defendants breached an agreement to sell them propane at a set price. In a 7-1 vote, the court reversed the summary judgment for the defendants.

E. Ala. Behavioral Med., P.C. v.

***Chancey*, 883 So. 2d 162:** A patient and his wife sued his psychiatrist's office after he had an affair with his psychiatrist, who allegedly altered his medical records to hide the affair. The court unanimously (5) ruled for the defendants.

***Ex parte Dillard Dep't Stores, Inc.*, 879**

So. 2d 1134: Customers sued a store after they were briefly detained after being suspected of shoplifting. The court unanimously (8) ruled for the defendant.

***Bowen v. Security Pest Control*, 879**

So.2d 1139: Homeowners sued their exterminator. In a 7-1 vote, the court granted a motion to compel arbitration.

***Providian Natl Bank v. Screws.*, 894**

So.2d 625: Borrowers sued their bank over allegedly improper credit card

fees. In a 5-3 vote, the court declined to compel arbitration.

Bradley v. Miller, 878 So. 2d 262: A patient sued her doctor after he failed to diagnose her high blood pressure while she was pregnant, leading to the death of her fetus. The court unanimously (5) ruled to grant summary judgment to the doctor.

Univ. Fed. Credit Union v. Grayson, 878 So. 2d 280: Consumers filed a class-action suit against a credit union over small finance charges for car loans. The court unanimously (5) ruled for the defendant.

Akins Funeral Home, Inc. v. Miller, 878 So. 2d 267: A decedent's family sued a funeral home after it picked up the wrong body and the decedent was accidentally cremated. The court unanimously ruled for the plaintiffs.

Serra Toyota, Inc. v. Johnson, 876 So. 2d 1125: A car buyer sued the dealer for selling her a car that had been wrecked and allegedly lying to her about it. The court unanimously (5) ruled for the dealer and compelled arbitration.

Wootten v. Ivey, 877 So. 2d 585: Neighbors sued a hog farm, alleging that it polluted and damaged their property. In a 5-2 vote, the court ruled for the hog farm and struck down an injunction.

Cain v. Howorth, 877 So. 2d 566: A patient sued her surgeon for lack of informed consent after he allegedly told her that she was having a different operation. The court unanimously (8) ruled for the plaintiff.

Alfa Life Ins. Corp. v. Green, 881 So. 2d 987: Insureds sued their life insurer, alleging that they were misled about their premiums. The court unanimously (8) ruled for the defendant.

Washington v. Bill Heard Chevrolet, Inc., 876 So. 2d 1103: A car buyer sued the dealer, alleging that it forged his signature on a more expensive financing contract. The court unanimously (8) ruled for the dealer and ordered arbitration.

Tyson Foods, Inc. v. McCollum, 881 So. 2d 976: An employee sued his employer for alleged retaliation for filing a workers' compensation claim. In a 5-3 vote, the court ruled for the defendant.

Zaden v. Elkus, 881 So. 2d 993: A patient sued her surgeon after her sciatic nerve was allegedly severed during hip surgery. In a 7-1 vote, the court ruled for the defendant.

Avis Rent A Car Sys. v. Heilman, 876 So. 2d 1111: Consumers filed a class-action suit against rental car companies, alleging improper charges. In a 7-1 vote, the court ruled that corpora-

tions and corporate travelers were not an appropriate part of the class.

***Ex parte Troncalli Chrysler Plymouth Dodge, Inc.*, 876 So. 2d 459:** A car buyer went to an Alabama dealer, found that it did not have his desired car, and picked up his car at a Georgia dealer after paying the Alabama dealer for it. The car buyer then sued the Georgia dealer. In a 7-1 vote, the court ruled to dismiss the claims against the Georgia dealer.

***Capitol Chevrolet & Imports, Inc. v. Payne.*, 876 So.2d 1106:** Plaintiffs sued the car dealer, alleging conversion in reclaiming their car. In a 7-1 vote, the court declined to compel arbitration.

***Ex parte First Ala. Bank*, 883 So. 2d 1236:** A client sued his bank and his wife after his wife accessed his safety deposit box and removed \$500,000. The court unanimously (5) ruled for the bank.

***Moore v. John Hancock Life Ins. Co.*, 876 So. 2d 443:** An insured sued his insurer and his former wife as trustee of the trust holding his life insurance policy, after his former wife cashed out the policy. The court unanimously (7) ruled that the plaintiffs lacked standing.

***Hudson v. Outlet Rental Car Sales, Inc.*, 876 So. 2d 455:** A car buyer sued the

dealer after he was allegedly misled into believing he had signed a sale contract, not a lease contract. The court unanimously (8) ruled to reject arbitration.

***Jones v. Alfa Mut. Ins. Co.*, 875 So. 2d 1189:** Insureds sued their insurer alleging bad faith in refusing to pay claims for home damage. The court unanimously (8) ruled to reinstate two of the plaintiff's claims.

***Bank of Am. Corp. v. Edwards*, 881 So. 2d 403:** The plaintiff sued a bank and won a default judgment. The court unanimously (5) ruled for the bank and found the judgment void due to lack of service.

***McDole v. Alfa Mut. Ins. Co.*, 875 So. 2d 279:** A widow sued her husband's insurer for UIM benefits, alleging that the other driver's insurance was exhausted. The court unanimously (5) ruled for the insurer.

***Whatley v. Reese*, 875 So. 2d 274:** A homebuyer sued the builder for damage allegedly done during construction. The court unanimously (5) ruled for the plaintiff.

***Newman v. Cole*, 872 So. 2d 138:** A deceased teen's estate sued his father and stepmother after his father placed him in a chokehold for 20 minutes while his stepmother sprayed him with water. The teen died the next day. In a

5-4 vote, the court ruled that the father was not entitled to “parental immunity” for two of the plaintiff’s claims.

***Hales v. ProEquities, Inc.*, 885 So.2d**

100: Plaintiffs sued the investment company for allegedly defrauding them of their life savings. In a 7-2 vote, the court declined to compel arbitration.

***Tillman v. R.J. Reynolds Tobacco Co.*, 871 So. 2d 28:**

A smoker sued tobacco companies after he developed lung cancer, alleging a conspiracy to distribute a dangerous product. In a 5-4 vote, the court allowed three of the plaintiff’s four claims to proceed.

***Spain v. Brown & Williamson Tobacco Corp.*, 872 So. 2d 101:** A smoker sued a tobacco company. In a 5-4 vote, the court ruled for the plaintiff.

***Nationwide Ins. Co. v. Rhodes*, 870 So. 2d 695:** The plaintiff sued his father’s insurer for UIM benefits. The court unanimously (5) ruled for the insurer and found the son was not a “relative” under the policy.

***Cent. Reserve Life Ins. Co. v. Fox*, 869 So. 2d 1124:** An insured sued her health insurer after it failed to pay for her hospitalization. In an 8-1 vote, the court ruled for the defendant and ordered arbitration.

***Ala. Great S. R.R. Co. v. Johnson*, 874 So. 2d 517:** An injured driver sued a

railroad company after he was struck by a train at a crossing, alleging that the warning signs were inadequate. The court unanimously ruled that the claims were preempted by federal law.

***Gayfer Montgomery Fair Co. v. Austin*, 870 So. 2d 683:** An employee sued her employer for workers’ compensation and alleged retaliation. In a 5-2 vote, the court ruled for the employer and ordered arbitration.

***Ex parte Weaver*, 871 So. 2d 820:** A former employee injured himself at his former worksite when a hand-rail broke, causing him to fall from a catwalk, and he sued his former employer for negligence. In a 7-1 vote, the court ruled for the plaintiff.

***Lee v. Minute Stop, Inc.*, 874 So. 2d 505:** An arrestee sued police officers, a store clerk, and a store for malicious prosecution, defamation, and other claims. The court unanimously (6) ruled for the defendants.

***Morgan v. Exxon Corp.*, 869 So. 2d 446:** A family sued an oil company, alleging that it polluted its land when it drilled for oil there. In a 7-1 vote, the court ruled that the claims were time-barred.

***Ex parte Schaeffel*, 874 So. 2d 493:** An injured technician sued a store he serviced after he fell through a ceiling in a dimly lit area. The court unanimously (5) ruled for the defendants.

Ex parte Walter Indus., 879 So. 2d 547:

A widow sued her husband's coworkers and three corporations after her husband died in a coal-mine explosion. In a 6-3 vote, the court ruled for the defendants.

Ronderos v. Rowell, 868 So. 2d 422:

A widow sued her husband's surgeon after he died during back surgery. The court ruled unanimously (5) for the plaintiff.

Aetna Life Ins. Co. v. Character, 873 So.

2d 1075: An employee was awarded long-term disability benefits in a suit against her employer and its insurer. The court unanimously (5) ruled for the defendants.

Parrish v. Blazer Fin. Servs., 868 So.

2d 406: Consumers filed a class-action suit against the lender that sent a check in the mail. The court unanimously (5) ruled for the defendants and found that contracts were created when the checks were cashed by the plaintiffs.

Wilkerson v. Johnson, 868 So. 2d 417:

An injured driver sued the other driver for negligence. The court unanimously (6) ruled for the plaintiff.

Rampey v. Novartis Consumer Health,

Inc., 867 So. 2d 1079: Consumers filed a suit against an over-the-counter drug maker for using an ingredient that was later found to be a potential

carcinogen. The court unanimously (5) ruled for the defendant.

Mack Trucks, Inc. v. Witherspoon, 867

So. 2d 307: An administrator sued a truck manufacturer after the decedent's truck rolled over and caught fire, resulting in his death. In a 7-2 vote, the court ruled for the plaintiff.

Funliner of Ala., L.L.C. v. Pickard, 873

So. 2d 198: Customers of electronic poker machines sued the operators. The court unanimously (8) ruled for the defendants.

Sears Termite & Pest Control v.

Robinson, 883 So.2d 153: A consumer sued a pest-control company after it guaranteed to rid her home of termites but failed to do so. In a 7-1 vote, the court ruled to compel arbitration.

Holly v. Huntsville Hosp., 865 So. 2d

1177: Parents sued their infant son's health care providers after the infant died after being incorrectly diagnosed. The court ruled unanimously for the plaintiffs.

Anderson v. Ashby, 873 So. 2d 168:

A widow sued her husband's life insurer after it refused to pay benefits due to answers on their application, but a manager had filled out the answers for them because they are illiterate. In a 6-3 vote, the court ruled the arbitration clause was unenforceable.

***McGuffey Health and Rehab. Center v. Gibson*, 864 So.2d 1061:** A patient sued a nursing home for malpractice after she was injured falling from her bed. In a 7-2 vote, the court ruled to compel arbitration.

***Voyager Ins. Cos. v. Whitson*, 867 So. 2d 1065:** Consumers filed a class-action suit against the insurers who insured their loans from finance companies, alleging that they improperly calculated their premiums. In an 8-1 vote, the court ruled to decertify the class.

***Ex parte Kia Motors Am., Inc.*, 881 So. 2d 396:** Family members sued a carmaker after the decedent's car was involved in an accident, flew off the highway, and caught fire. In a 6-3 vote, the court granted the defendant's motion to transfer the case to Florida, where the accident occurred.

***Bagley v. Mazda Motor Corp.*, 864 So. 2d 301:** A car buyer sued the dealer and carmaker after a wheel fell off the car on the same day it was purchased. The court unanimously ruled for the plaintiff and reinstated one of his claims.

***Wal-Mart Stores, Inc. v. Smitherman*, 872 So.2d 833:** A bread-delivery person sued a retailer after a dispute over one allegedly missing loaf of bread. In a 7-1 vote, the court dismissed the plaintiff's claims.

***Alfa Life Ins. Corp. v. Hughes*, 861 So. 2d 1088:** Consumers filed a class-action suit against the insurer, alleging that it misrepresented its premiums and the tax treatment of premium payments. The court ruled unanimously (5) to decertify the class.

***ATS, Inc. v. Beddingfield*, 878 So. 2d 1131:** The family of a victim of an accident sued the employer of the truck driver who collided with the victim's minivan and killed all four occupants. The court unanimously ruled that the employer was not liable.

***Baptist Health System, Inc., v. Mack*, 860 So.2d 1265:** An employee sued her employer, alleging that she was fired for filing a workers' compensation claim. In a 7-2 vote, the court ruled to compel arbitration.

***Health Ins. Corp. v. Smith*, 869 So. 2d 1100:** Insureds sued their insurer for selling them Medicare supplemental policies when they did not need them because they were eligible for Medicaid. In a 7-2 vote, the court ruled to compel arbitration.

***Lyons v. Walker Reg'l Med. Ctr., Inc.*, 868 So. 2d 1071:** An inmate sued a hospital after he refused a certain treatment at a hospital and left against medical advice, and the nurses did not tell him about lab results that showed a dangerous condition, which soon led to his death. The court unanimously (5) ruled for the defendants.

Ex parte Owen, 860 So. 2d 877: A patient sued his doctors after problems with corrective eye surgery. The court ruled unanimously for the plaintiff.

Smith v. Nat'l Sec. Ins. Co., 860 So. 2d 343: An insured sued her insurer for selling her a health insurance policy for her son while he was enrolled in Medicaid, which meant that he would see no benefits. The court ruled unanimously (5) that the claims were time-barred.

Ex parte Ocwen Fed. Bank, FSB, 872 So. 2d 810: Borrowers sued their lenders over allegedly improper prepayment fees. The court unanimously ruled for the plaintiffs.

Custer v. Homeside Lending, Inc., 858 So. 2d 233: Homeowners filed a class-action suit against a mortgage company and an insurer, alleging that they forced flood insurance on them. The court ruled unanimously (5) for the defendants.

Ex parte Coleman, 861 So. 2d 1080: Borrowers pawned their car and allegedly worked out a late payment before the pawnbroker repossessed and sold their car. The court ruled unanimously to reinstate the plaintiffs' breach of contract claims.

Lyles v. Pioneer Housing Systems, Inc., 858 So.2d 226: A homebuyer sued the

home manufacturer. In a 7-2 vote, the court ruled to compel arbitration.

Ex parte Liberty Nat'l Life Ins. Co., 858 So. 2d 950: An insured sued his life insurer, alleging that he had no knowledge of a loan against his policy that depleted its value. In a 6-3 vote, the court ruled for the insurer.

Singleton v. Protective Life Ins. Co., 857 So. 2d 803: Borrowers sued their lender, alleging that it sold them excessive "credit life" insurance. The court ruled unanimously (5) for the insurer.

Kennedy v. Western Sizzlin Corp., 857 So. 2d 71: Employees sued their employer after their manager allegedly groped and sexually harassed them. In an 8-1 vote, the court ruled to reinstate some of the plaintiffs' claims.

Morguson v. 3M Co., 857 So. 2d 796: A family member sued the manufacturer of a heart-lung machine used during the decedent's bypass surgery, alleging that defects in the machine caused his death 20 days after the surgery. The court ruled unanimously (5) for the defendant.

Crutcher v. Wendy's of N. Ala., Inc., 857 So. 2d 82: An employee sued her employer after police searched her for money missing from the register. The court ruled unanimously (5) for the defendant.

***Orkin Exterminating Co. v. Larkin*, 857 So. 2d 97:** A homebuyer sued an exterminator who falsely deemed the home free of termites. In an 8-1 vote, the court ruled to compel arbitration.

***Ex parte Webb*, 855 So. 2d 1031:** An employee sued the president of the company for which he worked, alleging that he struck the employee after the employee refused to wash his personal car. In a 6-3 vote, the court declined to compel arbitration.

***Smith v. Yanmar Diesel Engine Co.*, 855 So. 2d 1039:** A widow sued the manufacturer of a tractor that rolled over on her husband, killing him. The court unanimously (5) ruled for the plaintiff.

***Lilya v. Greater Gulf State Fair*, 855 So. 2d 1049:** An injured patron sued the state fair after he fell off of a mechanical bull. The court ruled unanimously (5) for the defendant.

***Johnson Mobile Homes of Ala., Inc. v. Hathcock*, 855 So. 2d 1064:** A homebuyer and his wife sued the home manufacturer, alleging that faulty wiring caused a fire that destroyed the home. In a 6-2 vote, the court ordered arbitration of the buyer's claims.

***Leonard v. Terminix Intern. Co., LP*, 854 So.2d 529:** Homeowners sued their exterminators. In a 5-4 vote, the court declined to compel arbitration.

***Parkway Dodge, Inc. v. Hawkins*, 845 So.2d 1129:** A car buyer sued the dealer, alleging that it failed to disclose mechanical problems. In a 7-2 vote, the court ruled to compel arbitration.

***Ex parte Gen. Nutrition Corp.*, 855 So. 2d 475:** A widower living in Virginia filed a lawsuit against the maker of a dietary supplement his wife took just before her death while jogging. In an 8-1 vote, the court ruled for the plaintiff.

***Finebaum v. Coulter*, 854 So. 2d 1120:** A sportscaster sued a radio host and a radio station for defamation, alleging that the host had implied he was a homosexual. The court ruled unanimously for the defendants.

***Eskridge v. Allstate Ins. Co.*, 855 So. 2d 469:** An employee sued his employer for breach of contract. The court ruled unanimously for the defendant.

***Ex parte Fontaine Trailer Co.*, 854 So. 2d 71:** A truck driver's family sued the makers of the tractor trailers involved in an accident that killed the driver. The court ruled unanimously for the plaintiff.

***Nat'l Auction Group, Inc. v. Hammett*, 854 So. 2d 65:** A condo buyer sued the sellers when he found out they did not have a title to the condo. The court ruled unanimously (5) to reject arbitration.

Ex parte Gadsden Reg'l Med. Ctr., 904 So. 2d 234: A doctor sued his employer and sought to use documents from the peer review process in his complaint. The court ruled unanimously (8) for the defendant.

Flint Constr. Co. v. Hall, 904 So. 2d 236: An injured construction worker sued his employer, alleging that he was fired for filing a workers' compensation claim after he reinjured a work-related injury. In an 8-1 vote, the court ruled for the defendant.

Tobiassen v. Sawyer, 904 So. 2d 258: A patient sued his doctor for failing to diagnose a stroke. In an 8-1 vote, the court ruled for the defendant.

Ex parte Covington Pike Dodge, Inc., 904 So. 2d 226: An injured driver sued the dealer who sold the car to the negligent driver who injured her. The court ruled unanimously (5) for the plaintiff.

Ex parte Crawford Broad. Co., 904 So. 2d 221: A city-council member sued a radio broadcaster for defamation. The court ruled unanimously (8) for the defendants.

H&S Homes, L.L.C. v. McDonald, 978 So.2d 692: Homebuyers sued the manufacturer of their home over alleged defects in the home. In a 7-2

vote, the court entered a judgment for the defendant.

Houserman v. Garrett, 902 So. 2d 670: A patient sued her surgeon after the surgeon left a pad inside of her during surgery. The court ruled unanimously (5) for the defendant.

Leeman v. Cook's Pest Control, Inc., 902 So. 2d 641: Homeowners sued their exterminator after the homeowners discovered a termite infestation. In a 6-2 vote, the court compelled arbitration.

BellSouth Communs. Sys., L.L.C. v. West, 902 So. 2d 653: Consumers filed a class-action suit against the cable provider, alleging that they were overcharged. The court ruled unanimously (5) to compel arbitration.

Lifestar Response of Ala., Inc. v. Lemuel, 908 So. 2d 207: A decedent's family sued an ambulance service after it failed to check the decedent's oxygen level and the patient was without oxygen for 30 minutes. The court ruled unanimously (5) for the plaintiff.

Birmingham News Co. v. Horn, 901 So. 2d 27: Newspaper dealers sued the newspaper for terminating their contracts. The court ruled unanimously (7) for the plaintiffs.

***George H. Lanier Mem'l Hosp. v. Andrews*, 901 So. 2d 714:** Parents sued the hospital where their child died and had his corneas removed for organ donation without their consent. The court ruled unanimously (5) for the plaintiffs.

***Ex parte Smith*, 901 So. 2d 691:** The employee sued his employer for retaliation because he was fired two weeks after a work-related injury. The court ruled unanimously (5) for the defendant.

***Allied Williams Cos. v. Davis*, 901 So. 2d 696:** Homeowners sued their exterminator after the homeowners discovered a termite infestation. The court unanimously (5) compelled arbitration.

***Ex parte Hanna Steel Corp.*, 905 So. 2d 805:** Residents sued a nearby steel plant, alleging damage from air pollution. The court ruled unanimously (5) for the defendant and changed the venue.

***Patterson v. Liberty Nat. Life Ins. Co.*, 903 So.2d 769:** The plaintiff sued the insurer after it failed to pay her claim on her son's life insurance policy because the insurer discovered misrepresentations on her application. In an 8-1 vote, the court ruled for the insurer.

***Nationwide Mut. Fire Ins. Co. v. Pabon*, 903 So.2d 759:** The plaintiff sued the

insurer after it failed to pay a claim for a home fire because the insurer discovered several misrepresentations on the insured's application. In a 7-1 vote, the court overruled a judgment for the plaintiff.

***Glass v. Birmingham S. R.R.*, 905 So. 2d 789:** An employee who repeatedly injured his back on the job sued his employer, alleging an unsafe workplace. The court ruled unanimously (5) for the plaintiff.

***Brown ex rel. Brown v. St. Vincent's Hosp.*, 899 So. 2d 227:** The parents of an infant sued the hospital and doctor who delivered him, alleging that the delivery resulted in permanent nerve damage to his shoulder. The court ruled unanimously (5) to dismiss the claims against the hospital because the doctor was not technically employed by it.

***Moore v. United Servs. Auto. Ass'n*, 898 So. 2d 725:** An insured sued, among others, her insurer, which opted out of the litigation under state law but alleged that the jury instructions improperly put the UIM issue before the jury. The court ruled unanimously (8) for the insurer.

***Ex parte Nat'l Western Life Ins. Co.*, 899 So. 2d 218:** A family member sued the decedent's life insurer. The court ruled unanimously (8) for the plaintiff.

***Locke v. Ansell Inc.*, 899 So. 2d 250:** A nurse who was allergic to latex sued the manufacturer of latex gloves. The court unanimously ruled for the plaintiff.

***Ex parte Mut. Sav. Life Ins. Co.*, 899 So. 2d 986:** A beneficiary sued the life insurer after it refused to pay a claim because of omissions on the insured's application. The court ruled unanimously for the plaintiff.

***Ex parte First Western Bank*, 898 So. 2d 701:** Consumers ruled a class-action suit against the bank after an affiliated company sent them unsolicited faxes. The court unanimously ruled for the defendant.

***Turner v. Westhampton Court, LLC*, 903 So.2d 82:** A homeowner sued the builder after the negligent installation of insulation allegedly caused moisture to seep in and warp the floor. In an 8-1 vote, the court ruled for the plaintiff.

***Providian Nat'l Bank v. Conner*, 898 So. 2d 714:** A client sued her bank, alleging that it paid her credit card company out of her checking account without her consent. The court ruled unanimously (8) to compel arbitration.

***Springhill Nursing Homes, Inc. v. McCurdy*, 898 So. 2d 694:** A former patient sued a nursing home. The court ruled unanimously (5) to reject arbitration.

***Ex parte Sysco Food Servs. of Jackson, LLC*, 901 So. 2d 671:** An employee sued his employer, alleging retaliation for seeking benefits. In a 7-2 vote, the court ruled for the plaintiff.

***Ex parte DaimlerChrysler Corp.*, 899 So. 2d 928:** An injured driver sued the maker of the other cars involved in an accident, alleging defects. The court ruled unanimously for the defendants and transferred the case to another venue.

***Ex parte Norfolk S. Ry. Co.*, 897 So. 2d 290:** A widow sued a railroad after her husband, a truck driver, died in a collision with a train. The court ruled unanimously (8) for the defendant and held that evidence was a confidential work product.

***Ex parte Terminix Int'l Co. L.P.*, 897 So. 2d 280:** Homeowners sued their termite insurer. The court unanimously ruled against the plaintiff and held that evidence held by the exterminator was exempt from discovery.

***Alabama Power Co. v. Moore*, 899 So.2d 975:** The plaintiff sued the power company after coming into contact with an electrical wire. In a 7-1 vote, the court ruled for the defendant.

***Ex parte AAMCO Transmissions, Inc.*, 897 So. 2d 285:** A person injured in a car accident sued the mechanics who

had repaired the car responsible for the accident. The court unanimously rejected the defendant's request to change the venue.

***Ex parte McCord*, 896 So. 2d 493:** A debtor sued his creditor for malicious prosecution after it had him arrested on groundless charges. The court ruled unanimously for the plaintiff.

***SCI Alabama Funeral Serv. Inc. v. Lanyon*, 896 So.2d 495:** Family members sued a funeral-services company after the decedent's body began to decompose before the burial. In an 8-1 vote, the court ruled to compel arbitration.

***Brasier v. Norfolk S. Ry. Co.*, 896 So. 2d 471:** An injured employee sued his employer, alleging an unsafe workplace. The court ruled unanimously (5) for the plaintiff.

***Martin v. Dyas*, 896 So. 2d 436:** A patient sued her doctors, alleging that a delay in her diagnosis led to partial paralysis. The court ruled unanimously (5) for the plaintiff.

***Ex parte Sears, Roebuck & Co.*, 895 So. 2d 265:** Consumers sued the company that they alleged negligently installed their dishwasher, leading to a fire. The court ruled unanimously (8) for the plaintiffs.

***New Addition Club, Inc. v. Vaughn*, 903**

So.2d 68: A son and daughter sued the owners of a nightclub for negligence after their mother was shot and killed outside of the nightclub. In a 5-4 vote, the court ruled for the defendant.

***Schoenvogel v. Venator Group Retail, Inc.*, 895 So. 2d 225:** A minor sued her former employer and deceased supervisor, alleging that the supervisor had raped her. The court ruled unanimously (8) for the plaintiff.

***Gilmore v. M & B Realty Co., L.L.C.*, 895 So. 2d 200:** Homebuyers sued the brokers and sellers after living in a home for five years before discovering they had actually purchased a different home. The court ruled unanimously (8) for the plaintiffs.

***Massey Automotive Inc., v. Norris*, 895 So.2d 215:** Car buyers sued the dealer, alleging that the car had been damaged. In a 5-3 vote, the court declined to compel arbitration.

***Regions Bank v. Plott*, 897 So.2d 239:** Clients sued their bank after their checks were stolen from the bank. In a 6-1 vote, the court rule for the defendant.

***Brown v. Denson*, 895 So. 2d 882:** An insured sued her insurer and broker, alleging that the broker falsely told her the policy would cover her preex-

isting lupus condition. In a 6-2 vote, the court ruled to reject arbitration.

***Mayflower Nat'l Life Ins. Co. v. Thomas*, 894 So. 2d 637:** Consumers filed a class-action suit against a car dealer and an insurer, alleging wrongdoing with their car loans. The court ruled unanimously (5) for the defendants.

***Briarcliff Nursing Home v. Turcotte*, 894 So.2d 661:** Relatives of patients sued a nursing home after the patients died. In a 6-2 vote, the court ruled to compel arbitration.

***Kupfer v. SCI-Alabama Funeral Servs.*, 893 So. 2d 1153:** A mother sued a funeral home after a delay in picking up her son's body meant that it was too decomposed to have an open casket. The court ruled unanimously (8) to reject arbitration.

***State Farm Mut. Auto. Ins. Co. v. Brown*, 894 So. 2d 643:** An accident victim sued an insurer to determine its liability for an accident caused by its insured. The court ruled unanimously (5) for the insurer.

***Wilson v. Athens-Limestone Hosp.*, 894 So. 2d 630:** A mother sued a hospital after her child died in the emergency room, alleging that the child's pediatrician should have taken over the child's care when he was consulted by the ER physician. The court ruled unanimously (5) for the defendant.

***Phila. Am. Life Ins. Co. v. Bender*, 893 So. 2d 1104:** An insured sued her health insurer after it denied her claims. The court unanimously (6) ruled to compel arbitration.

***Ex parte State Farm Mut. Auto. Ins. Co.*, 893 So. 2d 1111:** Accident victims sued a driver and their UIM insurer. In a 6-2 vote, the court ruled for the defendants.

***Stovall v. Universal Constr. Co.*, 893 So. 2d 1090:** A widow sued a construction company after her husband died in an accident at its construction site, alleging that the company failed to provide adequate lighting. In a 5-4 vote, the court ruled for the defendant.

***Memberworks, Inc. v. Yance*, 899 So.2d 940:** A customer sued a retailer after he was billed for an automatically renewed membership. In a 5-2 vote, the court ruled to compel arbitration.

***Knox v. Western World Ins. Co.*, 893 So. 2d 321:** A survivor of an accident and the family of one deceased victim sued a trucking company whose driver caused the accident and the company's insurer. The court ruled unanimously (5) for the defendant.

***U-Haul Co. of Ala., Inc. v. Johnson*, 893 So. 2d 307:** Consumers filed a class-action suit, alleging that the retailer overcharged them for taxes. The court

ruled unanimously (8) to decertify the class.

***GMAC v. Massey*, 893 So. 2d 314:**

Borrowers filed a class-action suit against their lenders, alleging that they forced them to acquire insurance on their car loans. The court ruled unanimously (5) to decertify the class.

***Chapman v. Smith*, 893 So. 2d 293:**

A patient sued her doctor for malpractice for damages resulting from an allegedly negligent injection. The court ruled unanimously (8) for the defendant.

Daimler Chrysler Corporation v.

***Morrow*, 895 So.2d 861:** The plaintiff sued the car manufacturer and dealer for breach of warranty after his truck exhibited problems. In a 7-1 vote, the court ruled for the defendant.

McCray v. State Farm Fire & Cas. Ins.

***Co.*, 892 So. 2d 363:** Insureds sued their home insurer for refusing to pay a claim for tornado damage. The court ruled unanimously (5) for the plaintiffs.

***Serra Chevrolet, Inc. v. Hock*, 891 So.**

2d 844: A lessee sued a lessor and an assignee for allegedly forging his signature on a more expensive loan. The court ruled unanimously (5) to compel arbitration.

Dan Wachtel Ford, Lincoln, Mercury,

***Inc., v. Modas*, 891 So.2d 287:** Car buyers sued the dealer. In a 6-2 vote, the court ruled to compel arbitration.

***Shiv-Ram, Inc. v. McCaleb*, 892 So.**

2d 299: A hotel guest sued the hotel owners after she was injured when she struck a protruding bed frame with her ankle. In a 5-4 vote, the court ruled for the plaintiff and found that the punitive-damages award was justified.

***Chandiwala v. Pate Const. Co.*, 889**

So.2d 540: A homeowner filed a suit against the construction companies and contractors after an inspection revealed moisture in his home. In a 7-1 vote, the court ruled for the defendant.

Ex parte Ga. Farm Bureau Mut. Auto.

***Ins. Co.*, 889 So. 2d 545:** An insured sued his insurer. The court ruled unanimously (8) for the defendant.

***Williford v. Emerton*, 935 So. 2d 1150:**

Tenants sued their landlords for evicting them and only giving them 10 minutes to collect their things. The court ruled unanimously (8) for the plaintiffs.

***Johnson v. Coregis Ins. Co.*, 888 So. 2d**

1231: An injured employee sued his employer's insurer for UIM benefits. The court ruled unanimously (5) for the plaintiff.

State Farm Mut. Auto. Ins. Co. v. Nix, 888 So. 2d 489: An insured sued his insurer, alleging that it misled him on the extent of his coverage. The court ruled unanimously (5) to throw out a punitive-damages award.

Smith v. Huntsville Times Co., 888 So. 2d 492: A police officer sued a newspaper for defamation. The court ruled unanimously (5) for the defendant.

Walls v. Alpharma USPD, Inc., 887 So. 2d 881: A mother sued her pharmacist after he directed her to use a medication prescribed to her husband and it allegedly caused birth defects. The court ruled unanimously (8) for the defendant.

Ex parte Newton, 895 So. 2d 851: An injured employee sued her employer after she was injured on a machine

in which the safety valve had been welded shut. The court ruled unanimously (8) to reinstate one of the plaintiff's claims.

Delta Health Group, Inc. v. Stafford, 887 So. 2d 887: An employee sued his employer for defamation. The court ruled unanimously (5) for the defendant.

Owens v. Coosa Valley Health Care, Inc., 890 So. 2d 983: A patient's daughter sued a nursing home on the patient's behalf, alleging negligent care. The court ruled unanimously (5) to compel arbitration.

Ex parte Canada, 890 So. 2d 968: An injured employee sued his coworkers and the maker of a table saw that severely cut his hand. In a 5-3 vote, the court ruled for the plaintiff.

2005

Pharmacia Corp. v. Suggs, 932 So. 2d 95: Consumers filed a class-action complaint against the makers of a dangerous chemical. In an 8-1 vote, the court ruled for the defendants.

Patriot Mfg. v. Jackson, 929 So. 2d 997: Homebuyers sued the home manufacturers, alleging breach of warranties. The court ruled unanimously to compel arbitration.

Zanaty Realty, Inc. v. Williams, 935 So. 2d 1163: A homebuyer sued a realtor for negligently inspecting her home after she discovered fire damage and a water leak after the inspection. The court ruled unanimously (5) for the defendant.

Singleton v. State Farm Fire & Cas. Co., 928 So. 2d 280: Insureds sued their home insurer for failing to pay their

claim. The court ruled unanimously (5) for the defendant.

***Hunter v. Wilshire Credit Corp.*, 927 So. 2d 810:** Homebuyers sued the sellers for backing out of the deal. The court ruled unanimously (5) for the defendants.

***Cont'l Nat'l Indem. Co. v. Fields*, 926 So. 2d 1033:** A decedent's family sued her insurer for UIM benefits after the decedent died of unrelated causes. The court ruled unanimously (5) for the defendant.

***Ex parte Bill Heard Chevrolet, Inc.*, 927 So. 2d 792:** A car buyer sued the dealer after it adjusted the value of her trade-in for financing purposes. The court ruled unanimously (5) to compel arbitration.

***Fountain v. Ingram*, 926 So. 2d 333:** A homebuyer sued the seller after it repossessed her home. The court ruled unanimously (5) to reject arbitration.

***Leithead v. Banyan Corp.*, 926 So. 2d 1025:** A corporate president sued his employer. The court ruled unanimously (5) for the plaintiff.

***Holly v. Huntsville Hosp.*, 925 So. 2d 160:** Parents sued their infant son's health care providers after the infant died after being incorrectly diagnosed. The court ruled unanimously (5) for the defendant.

***Blue Cross Blue Shield v. Rigas*, 923 So. 2d 1077:** An insured sued his health insurer after it refused to pay for his surgeries. The court ruled unanimously (5) to compel arbitration.

***Goldome Credit Corp. v. Burke*, 923 So. 2d 282:** Debtors filed a class-action suit against the creditor, alleging that it charged improper fees for mortgage financing. The court ruled unanimously for the defendant.

***Rosser v. AAMCO Transmissions, Inc.*, 923 So. 2d 294:** A family sued the mechanic who repaired their car after the car malfunctioned and collided with another car, injuring the family. The court ruled unanimously (5) for the defendant.

***State Farm Fire & Cas. Co. v. Williams*, 926 So. 2d 1008:** Insureds sued their insurer over unpaid claims. The court ruled unanimously (5) for the defendant.

***Ex parte Children's Hosp.*, 931 So. 2d 1:** A father sued a hospital that treated his infant son, alleging that it failed to report abuse by the son's stepfather, who was ultimately charged with murdering the infant. The court ruled unanimously (5) for the defendant and changed the venue.

***Fortis Benefits Ins. Co. v. Pinkley*, 926 So. 2d 981:** The plaintiff sued a life insurer after it refused to pay follow-

ing a change of beneficiary, which the plaintiff claimed was obtained through fraud. In an 8-1 vote, the court granted summary judgment to the defendant.

***Black v. Comer*, 920 So. 2d 1083:** A patient sued his surgeon after the surgeon mistakenly removed his kidney. The court ruled unanimously (5) for the defendant.

***Ex parte Unitrin, Inc.*, 920 So. 2d 557:** An insured sued his life insurer for allegedly committing fraud in collecting premiums for a lapsed policy. The court ruled unanimously (5) for the defendant.

***Morgan Keegan & Co. v. Cunningham*, 918 So. 2d 897:** Creditors sued their debtor. The court ruled unanimously (5) for the defendant.

***Ex parte Howard*, 920 So. 2d 553:** A child sued a corporate landowner after he rode his bike down a hill, struck a hole, and was injured. The court ruled unanimously (5) for the defendant.

***Ex parte Alfa Life Ins. Corp.*, 923 So. 2d 272:** Insureds filed a class-action suit against their insurer. The court ruled unanimously to sever certain plaintiffs from the class.

***Fitts v. AmSouth Bank*, 917 So. 2d 818:** Clients sued their bank for allegedly transferring funds from their account

to a business associate's account. The court ruled unanimously (5) for the defendant.

***Halford v. Alamo Rent-A-Car, LLC*, 921 So. 2d 409:** Family members sued a rental-car company, alleging that it negligently provided a car to a driver whose license was suspended and who caused an accident that killed the plaintiffs' family members. The court ruled unanimously (5) for the defendant.

***Pharmacia Corp. v. McGowan*, 915 So. 2d 549:** The plaintiffs sued the defendant for damages from pollution, and a "guardian ad litem" of some of the plaintiffs were awarded attorneys' fees. The court ruled unanimously (5) for the defendant and overturned the award of attorneys' fees.

***Parker Bldg. Servs. Co. v. Lightsey*, 925 So. 2d 927:** A child was partially paralyzed after he stepped under a guardrail and onto a ceiling that collapsed, and he sued the repair contractor. The court ruled unanimously (5) for the defendant.

***Malsch v. Bell Helicopter Textron, Inc.*, 916 So. 2d 600:** Two marines sued a helicopter manufacturer, alleging defects after they were injured in a crash in California. In a 7-2 vote, the court ruled for the defendant.

***Webb Wheel Products, Inc. v. Hanvey*, 922 So.2d 865:** An employee alleged

that he was fired for filing a workers' compensation claim. In a 5-4 vote, the court ruled for the employer.

***Pontius v. State Farm Mut. Auto. Ins. Co.*, 915 So. 2d 557:** An injured driver and passenger sued their insurer for UIM benefits. The court ruled unanimously (5) for the defendant.

***Ex parte Flexible Prods. Co.*, 915 So. 2d 34:** Coal miners filed a class-action suit against the manufacturer of a product used to support walls in mines, alleging that they were exposed to toxic chemicals. The court ruled unanimously for the plaintiffs.

***Fox Alarm Co. v. Wadsworth*, 913 So. 2d 1070:** A consumer sued the alarm company, alleging that it mishandled the alarms that went off when his building was burglarized and set on fire. In a 5-4 vote, the court limited the plaintiff's damages to \$250 per the terms of the parties' agreement.

***Abney v. Crosman Corp.*, 919 So. 2d 289:** A great-aunt sued the manufacturer and seller of an air gun that killed her niece when it was fired at her at point-blank range. The court ruled unanimously (5) for the defendant.

***Ex parte Chem. Lime of Ala., Inc.*, 916 So. 2d 594:** The family members of coal miners killed in an explosion sued the owner and operator of the

mine. The court ruled unanimously for the defendant.

***Marks v. Tenbrunsel*, 910 So. 2d 1255:** A patient sued his psychiatrist's office after it reported suspected child abuse by the patient. In a 5-4 vote, the court ruled for the defendant.

***State Farm Mut. Auto. Ins. Co. v. Motley*, 909 So. 2d 806:** An insured sued her UIM insurer after settling a claim with a logging company whose truck was overloaded and collided with the insured's son, killing him. The court ruled unanimously for the plaintiff.

***Story v. RAJ Props.*, 909 So. 2d 797:** Homeowners sued contractors, alleging that exterior installation caused water damage. The court ruled unanimously (5) for the defendant.

***Bagley v. Creekside Motors, Inc.*, 913 So. 2d 441:** A car buyer sued the dealer after a wheel fell off the car on the day it was purchased. The court ruled unanimously (5) for the defendant.

***Wessex House of Jacksonville, Inc. v. Kelley*, 908 So. 2d 226:** A patient sued a nursing home for injuries he sustained while at the home. The court ruled unanimously for the plaintiff.

***Edward D. Jones & Co. LP v. Ventura*, 907 So.2d 1035:** The plaintiff, who received a settlement for a wrongful death claim as a child after his father

was killed, sued the bank who managed the trust after he discovered it had no liquid assets. In a 7-1 vote, the court ruled to compel arbitration.

Hexcel Decatur, Inc. v. Vickers, 908

So. 2d 237: An employee sued his employer, alleging that he faced retaliation for filing a workers' compensation claim. The court ruled unanimously for the plaintiff.

Shrader v. Empls. Mut. Cas. Co., 907

So. 2d 1026: The plaintiffs sued the insurer of a city for claims after they were allegedly sexually assaulted while in jail. The court ruled unanimously for the defendant.

Keibler-Thompson Corp. v. Steading,

907 So. 2d 435: A steel worker sued his employer after he fell into molten steel. The court ruled unanimously (5) for the defendant.

Ferguson v. Baptist Health Sys., 910

So. 2d 85: A patient sued his hospital, alleging that an ambiguous prescription led him to receive three times the prescribed dosage. The court ruled unanimously (5) for the defendant.

Baker v. Metro. Life Ins. Co., 907 So.

2d 419: An insured sued his insurer, alleging that its agent misled him

about the premiums. The court ruled unanimously (5) for the defendant.

Adcock v. Adams Homes, LLC, 906

So. 2d 924: Homebuyers sued the builder, alleging defects. The court unanimously (5) declined to compel arbitration.

Kyser v. Harrison, 908 So. 2d 914:

Parents sued their daycare after their child died of asphyxiation. The court ruled unanimously (5) for the defendant.

Alfa Life Ins. Corp. v. Jackson, 906 So.

2d 143: An insured sued his insurer, alleging that its agent misled him about the premiums. The court ruled unanimously (8) for the defendant.

Lloyd Noland Hosp. v. Durham, 906 So.

2d 157: A patient sued her hospital after she mistakenly received no pre-surgery antibiotic, leading to an infection. The court ruled unanimously for the plaintiff.

Ex parte Family Dollar Stores of

Alabama, Inc., 906 So.2d 892:

A consumer sued the retailer after an employee allegedly accosted her and accused her of shoplifting. In an 8-1 vote, the court ruled for the defendant.

Ex parte Flexible Prods. Co., 961 So.

2d 111: Coal miners sued the maker of a product used to support the walls of mines, alleging exposure to toxic chemicals. In a 7-2 vote, the court ruled for the defendants and severed three plaintiffs from the class.

Ex parte Orkin, Inc., 960 So. 2d 635:

Homeowners sued their exterminator for faulty services and for allegedly lying about inspections. The court ruled unanimously (5) for the defendants on an evidentiary issue.

Jones Food Co., Inc. v. Shipman, 981

So.2d 355: An air-conditioner repairman sued the owner of the premises where he was working after he fell from a ladder. In an 8-1 vote, the court ruled for the defendant.

S.B. v. St. James Sch., 959 So. 2d 72:

Parents sued their daughters' private school after the girls were expelled after nude pictures of them circulated around the school. The court ruled unanimously (5) for the defendants.

Houston County Health Care Auth.

v. Williams, 961 So. 2d 795: Patients filed a class-action suit against a plastic surgeon after the surgeons implanted them with silicone breast implants that were left sitting in an open bowl and had become infected. The court ruled unanimously to decertify the class.

Prior v. Cancer Surgery of Mobile, P.C.,

959 So. 2d 1092: A widow sued her husband's doctors after he died in the hospital. The court ruled unanimously (5) that one of the claims was time-barred.

Ex parte Zoghby, 958 So. 2d 314:

A parishioner sued her church and her priest, alleging that they broke an earlier settlement over alleged sexual abuse because the priest had not received counseling. In a 7-1 vote, the court ruled for the plaintiff.

Patton v. Thompson, 958 So. 2d 303:

A family member sued the decedent's psychiatrist after the decedent committed suicide. In a 5-4 vote, the court ruled for the defendants.

Ex parte Int'l Ref. & Mfg. Co., 959

So. 2d 1084: Employees sued their employer and sought access to records that the employer had received from a third party. The court ruled unanimously (5) for the plaintiffs.

Ex parte BASF Corp., 957 So. 2d 1104:

Coal miners sued the makers of products used in mining, alleging exposure to toxic chemicals. The court ruled unanimously for the defendants.

Hooper v. Columbus Reg'l Healthcare

Sys., 956 So. 2d 1135: A doctor sued his former employer over a pay dis-

pute. The court ruled unanimously for the plaintiff and reinstated one of his claims.

Edwards Motors, Inc. v. Hudgins, 957

So. 2d 444: Car buyers sued a dealer after it initiated criminal proceedings against them. The court ruled unanimously (5) to compel arbitration.

Goolesby v. Koch Farms, LLC, 955 So.

2d 422: Chicken breeders sued a farm and won the suit but were forced to remit some of the damages. The court ruled unanimously for the defendant.

Ex parte Fuller, 955 So. 2d 414: An injured driver sued a truck driver with whom she collided and his employer. The court ruled unanimously for the defendant and changed the venue.

Fogarty v. Southworth, 953 So. 2d

1225: Investors sued a corporation, alleging fraud. The court ruled unanimously (5) for the plaintiffs.

Ex parte Volvo Trucks N. Am., Inc., 954

So. 2d 583: An estate sued the maker of a truck that the decedent was driving during a fatal accident. The court ruled unanimously for the plaintiffs and declined to change the venue.

Hanner v. Metro Bank & Protective Life

Ins. Co., 952 So. 2d 1056: A child sued a bank over a disputed life insurance policy, which his father was obligated to maintain but which he had used as

collateral for a loan. The court ruled unanimously (5) for the plaintiff and reinstated some of his claims.

Ex parte Verbena United Methodist

Church, 953 So. 2d 395: A parishioner sued her pastor and church for defamation. The court ruled unanimously (5) for the defendant and changed the venue.

Sullivan v. Eastern Health Sys., 953 So.

2d 355: A doctor sued his employer for breach of contract. The court ruled unanimously (5) for the defendant.

Sloan Southern Homes, LLC

v. McQueen, 955 So. 2d 401:

Homebuyers sued the broker and seller, alleging that the home was incomplete. The court ruled unanimously (5) to compel arbitration.

Fogarty v. Parker, Poe, Adams, and

Bernstein, L.L.P., 961 So. 2d 784:

Investors sued a law firm after it kept them from accessing records of the company in which they had invested. The court ruled unanimously (5) for the plaintiffs.

Ex parte DaimlerChrysler Corp., 952

So. 2d 1082: A mother sued the maker and dealer of the car her son was driving during a fatal accident in Utah, alleging that the roll bar failed when the car flipped. In a 6-3 vote, the court ruled for the defendants.

Boles v. Parris, 952 So. 2d 364: An estate sued the decedent's doctor after the doctor failed to see the patient while his condition worsened in the emergency room. The court unanimously (5) ruled for the plaintiff and affirmed a punitive-damages award.

Allstate Life Ins. Co. v. Parker, 951 So. 2d 682: An insured sued his insurer, alleging that it lied about the future value of the policies. The court ruled unanimously for the defendant.

Lambert v. Coregis Ins. Co., 950 So. 2d 1156: An employee was struck by a car and dragged while standing between his employer's vehicles, and he sought UIM benefits from his employer's insurer. The court ruled unanimously (5) for the insurer.

Smith v. State Farm Mut. Auto. Ins. Co., 952 So. 2d 342: A passenger sued the driver and his insurer, seeking UIM benefits, after the driver wrecked the car and the passenger broke his back. The court ruled unanimously (5) for the plaintiff.

Jones v. Kassouf & Co., P.C., 949 So.2d 136: The plaintiff sought to add the defendant to the lawsuit over alleged fraud after the plaintiff learned that the defendant had pleaded guilty to criminal fraud charges. In an 8-1 vote, the court ruled for the defendant.

McKay Bldg. Co. v. Juliano, 949 So.

2d 882: Consumers sued a contractor, alleging that it had misled them on the extent of repairs needed. The court ruled unanimously (5) to compel arbitration.

State Farm Mut. Auto. Ins. Co. v.

Alexander, 950 So. 2d 267: An injured driver sued the other driver's insurer. The court ruled unanimously for the plaintiff.

Progressive Specialty Ins. Co. v.

Naramore, 950 So. 2d 1138: A husband sued his wife's insurer for coverage. The court ruled unanimously (5) for the insurer.

Coffey v. Moore, 948 So. 2d 544: An

insured sued her insurer after her friend wrecked a car the insured had rented, injuring the plaintiff. The court ruled unanimously for the plaintiff.

Ex parte Addiction & Mental Health

Servs., 948 So. 2d 533: A patient sued his health care provider, alleging that it disclosed information about his treatment to third parties. The court ruled unanimously for the plaintiff.

Ziade v. Koch, 952 So. 2d 1072:

Parents sued their prenatal doctor after their baby died in utero, alleging that he should have detected a problem. The court ruled unanimously for the defendants.

***Ex parte Safeway Ins. Co.*, 947 So. 2d 380:** An insured sued his insurer for UIM benefits. The court ruled unanimously (5) for the defendant and changed the venue.

***Sorrell v. King*, 946 So. 2d 854:** A patient sued her surgeon after he left an object inside her. The court ruled unanimously (5) for the defendants.

***Johnson v. Brookwood Med. Ctr.*, 946 So. 2d 849:** A brother sued his sister's health care provider, alleging that the negligence of its physician caused his sister's death, and during the trial, he sought to add another doctor as defendant. The court ruled unanimously (5) for the defendants.

***State Farm Fire & Cas. Co. v. Evans*, 956 So. 2d 390:** Insureds filed a class-action suit against the insurer, alleging that it had knowingly overcharged them. The court ruled unanimously (8) to decertify the class.

***Davis v. Hanson Aggregates Southeast, Inc.*, 952 So. 2d 330:** Residents sued quarry operators, alleging that they polluted the air and water and caused sinkholes. The court ruled unanimously for the plaintiffs.

***Ex parte Hosp. Espanol de Auxilio Mutuo de P.R., Inc.*, 945 So. 2d 437:** A patient sued a Puerto Rican hospital and an organ donation network after she received a kidney infected with

Hepatitis C. In an 8-1 vote, the court dismissed the claims against the hospital.

Ocwen Loan Servicing, LLC v.

***Washington*, 939 So.2d 6:** The borrower sued her lender over the propriety and disclosure of several fees, penalties, and finance charges associated with a loan. In an 8-1 vote, the court declined to compel arbitration.

***Ex parte Mendel*, 942 So. 2d 829:** A patient sued her dentist, alleging that he injured her during surgery and failed to tell her that his license was suspended in other states. The court ruled unanimously for the defendants on an evidentiary issue.

***UBS Fin. Servs. v. Johnson*, 943 So. 2d 118:** A client sued an investment firm, alleging that it solicited her business for illegal investments. The court unanimously (5) declined to compel arbitration.

***Prowell v. Children's Hosp.*, 949 So. 2d 117:** A parent sued her daughter's hospital after she was deprived of oxygen for more than five minutes while being under anesthesia, lived in a vegetative state for three years, and then died. The court ruled unanimously (7) for the plaintiff.

***Pinigis v. Regions Bank*, 942 So. 2d 841:** An estate sued the decedent's bank, alleging that it allowed unau-

thorized withdrawals by scammers. The court ruled unanimously (5) for the plaintiffs and reinstated one of the claims.

***Serio v. Merrell, Inc.*, 941 So. 2d 960:**

An injured driver sued the employer of a truck driver with whom she collided. The court ruled unanimously for the defendant.

***Ware v. Timmons*, 954 So. 2d 545:**

Parents sued their daughter's surgeon and nurse after the child went into cardiac arrest while recovering from anesthesia and died. In a 5-4 vote, the court ruled for the defendants.

***Ex parte Buffalo Rock Co.*, 941 So. 2d**

273: An injured employee sued his employer for alleged retaliation for filing a workers' compensation claim. The court ruled unanimously (5) for the defendant.

***Ex parte Suzuki Mobile, Inc.*, 940 So.**

2d 1007: A father sued the maker and dealer of an ATV that his son was driving when he was killed. The court ruled unanimously (5) for the defendant and changed the venue.

***Edgeworth v. Family Chiropractic & Health Ctr., P.C.*, 940 So. 2d 1011:**

A patient sued her health care providers for medical malpractice. The court ruled unanimously (5) for the defendants.

***Holcomb v. Carraway*, 945 So. 2d**

1009: The family of a patient sued her doctors for failing to diagnose breast cancer in a timely manner during mammograms and examinations. In an 8-1 vote, the court ruled for the defendants.

Baptist Med. Ctr. Montclair v.

***Whitfield*, 950 So. 2d 1121:** A widow sued her husband's hospital after he died from internal bleeding while hospitalized. The court ruled unanimously (5) for the defendant.

***Pritchett v. ICN Med. Alliance, Inc.*, 938**

So. 2d 933: A patient sued the lessor of a laser machine that her doctor used to perform surgery, alleging that the lessor was liable for the negligent surgery because its representative was present. The court ruled unanimously (5) for the plaintiff and reinstated one of her claims.

***AmerUs Life Ins. Co. v. Smith*, 937 So.**

2d 510: An insured sued her insurer, alleging that it had lied about the premiums on her policy. The court ruled unanimously (8) for the plaintiff.

***Ford v. Carylton Corp.*, 937 So. 2d 491:**

An employee sued his employer, alleging that he was fired for filing a workers' compensation claim. The court ruled unanimously (5) for the plaintiff and reinstated one of his claims.

Connell v. Call-a-Cab, Inc., 937 So. 2d

71: The plaintiff sued a cab company, alleging that its driver sexually assaulted her. The court ruled unanimously for the plaintiff.

Ex parte United Ins. Cos., 936 So. 2d

1049: An insured sued an interrelated group of companies, alleging that they were organized to avoid insurance regulations. The court ruled unanimously (8) for the plaintiffs.

H & S Homes, L.L.C. v. Shaner, 940 So.

2d 981: Homebuyers sued the builders. The court ruled unanimously for the defendant and held that the American Arbitration Association would conduct the arbitration.

Smith v. Mark Dodge, Inc., 934 So. 2d

375: A car buyer sued the dealer and maker of the car, alleging breach of warranties. The court ruled unanimously (5) to compel arbitration.

Ex parte ADT Sec. Servs., 933 So. 2d

343: An employee sued his employer. The court ruled unanimously (5) for the employer and changed the venue.

Progressive Specialty Ins. Co. v. Green,

934 So. 2d 364: A widow sued her husband's insurer for UIM benefits. The court ruled unanimously (5) for the defendant.

2007

Ex parte A & B Transp., Inc., 8 So. 3d

924: A widow sued a trucking company and its employee after a truck struck a car carrying him and his wife, who was killed. The court ruled unanimously for the defendants.

Ex parte Psychemedics Corp., 987

So. 2d 585: An employee sued his employer's drug-testing company, alleging that it reported a false positive for cocaine use. The court ruled unanimously (5) for the defendant.

Paragon Ltd., Inc. v. Boles, 987 So. 2d

561: A homeowner sued a builder

for failing to complete a project on time and for overcharging. The court ruled unanimously (5) to compel arbitration.

Ex parte Smith Wrecker Serv., 987 So.

2d 534: Car buyers sued the seller after discovering that the car was stolen. The court ruled unanimously (5) for the defendant and changed the venue.

Ex parte Meadowbrook Ins. Group, 987

So. 2d 540: An injured employee sued his employer's insurer, alleging that it stopped paying him disability benefits

to pressure him to drop his workers' compensation claim. The court ruled unanimously for the plaintiff.

Painter v. McWane Cast Iron Pipe Co., 987 So. 2d 522: An employee sued his former employer for retaliatory discharge and fraud. The court ruled unanimously (5) for the defendant.

Carraway v. Kurtts, 987 So. 2d 512: A brother sued his sister's doctor after the doctor prescribed her several medications and she later died of a cardiac arrest. The court ruled unanimously for the defendant.

Ex parte Bowman, 986 So. 2d 1152: An injured employee sued the maker of a fermenting tank, alleging that it was defectively designed. The court ruled unanimously for the defendant.

Ex parte Partners in Care, Inc., 986 So. 2d 1145: Patients sued a drug maker that made a defective batch of an arthritis drug. The court ruled unanimously (5) for the plaintiffs.

Carraway Methodist Health Systems v. Wise, 986 So.2d 387: An attorney sued his employer for breach of contract, fraud, and other claims after he was terminated. In a 6-3 vote, the court ruled for the defendant.

Blue Circle Cement Inc. v. Phillips, 989 So.2d 1025: An employee sued his employer, alleging retaliation for

filing a workers' compensation claim. In a 6-3 vote, the court ruled for the defendant.

Roberts v. Nasco Equip. Co., 986 So. 2d 379: A widow sued her husband's employer after her husband was killed when he was struck by a counter-weight while repairing a forklift. The court ruled unanimously (5) for the defendant.

Ex parte Duck Boo Int'l Co., 985 So. 2d 900: A mother sued the maker of a seat belt, alleging that it failed, which caused her daughter to be ejected during an accident and killed. The court ruled unanimously for the plaintiff.

Ex parte Cooper Tire & Rubber Co., 987 So. 2d 1090: Family members sued a tire maker, alleging that a defective design caused the tire treads to separate, leading to an accident that killed their relatives. The court ruled unanimously for the plaintiffs on an evidentiary issue.

Rogers v. State Farm Fire & Cas. Co., 984 So. 2d 382: Insureds sued their home insurer after it refused to pay a claim for tornado damage. In a 7-2 vote, the court ruled for the plaintiffs.

Dunlap v. Regions Fin. Corp., 983 So. 2d 374: A former employee sued her employer, alleging age discrimination. The court ruled unanimously (8) for the defendant.

Glass v. Birmingham S. R.R. Co., 982 So. 2d 504: An employee who repeatedly injured his back on the job sued his employer, alleging an unsafe workplace. The court ruled unanimously for the plaintiff.

Billy Barnes Enterprises, Inc. v. Williams, 982 So.2d 494: A switchman at a rail yard sued the defendant after the plaintiff was injured when the defendant allegedly failed to yield to an oncoming train while driving a truck. In an 8-1 vote, the court ruled for the defendant.

Burleson v. Rsr Group Florida, Inc., 981 So.2d 1109: An estate sued the manufacturer and seller of a gun that killed the decedent. In a 7-2 vote, the court ruled for the defendants.

Mobile Infirmary Ass'n v. Tyler, 981 So.2d 1077: A son sued his mother's hospital, alleging that a nurse failed to accurately communicate his mother's symptoms to a doctor, who misdiagnosed the patient. In a 5-4 vote, the court ruled to reduce the plaintiff's damages.

Long v. Wade, 980 So. 2d 378: Parents sued their doctor and hospital after one of their twins was breached during birth and subjected to an attempt to turn the baby by pushing on the mother's abdomen, causing the baby to suffer brain damage and ultimately die. The court ruled unanimously for the defendant.

Middleton v. Caterpillar Indus., 979 So. 2d 53: An injured employee sued the maker of a lift truck that collapsed on him, causing him to lose his arm. The court ruled unanimously (8) for the plaintiff.

Leiser v. Fletcher, 978 So. 2d 700: A patient sued her surgeon after he mistakenly cut her arteries and veins during knee surgery. The court ruled unanimously for the defendant.

State Farm Ins. Co. v. Mason, 982 So. 2d 520: An insured sued his insurer for UIM benefits. The court ruled unanimously (7) for the plaintiff.

Carraway v. Beverly Enters. Ala., Inc., 978 So. 2d 27: A brother sued his sister's nursing home, alleging that its negligence caused her death. The court ruled unanimously (5) to compel arbitration.

Pinigis v. Regions Bank, 977 So. 2d 446: An estate sued the decedent's bank, alleging that it allowed unauthorized withdrawals by scammers. The court ruled unanimously for the defendant.

Express Enter. v. Waites, 979 So. 2d 754: A consumer sued a pawnshop, alleging that a state law allowing 25 percent interest per month on car title loans was unconstitutional. The court ruled unanimously for the defendant.

***H&S Homes, L.L.C. v. McDonald*, 978 So. 2d 692:** Homebuyers sued the home manufacturer. In a 7-2 vote, the court ruled for the defendant.

***Ex Parte Metro. Prop. & Cas. Ins. Co.*, 974 So. 2d 967:** An insured sued his home insurer when it refused to pay for damages from a fire. The court ruled unanimously for the plaintiff.

***Cherokee Ins. Co. v. Sanches*, 975 So. 2d 287:** An insured sued his insurer after he was injured after swerving to avoid another driver, who did not stop and was not identified. The court ruled unanimously for the defendant.

***Tanksley v. ProSoft Automation, Inc.*, 982 So. 2d 1046:** An injured employee sued the maker of a steel-mill press after he fell, was caught in the machine, and had to have a leg amputated. The court ruled unanimously (5) for the defendant.

***CitiFinancial Corp., L.L.C. v. Peoples*, 973 So. 2d 332:** A borrower sued her mortgage lender, alleging that it wrongfully foreclosed on her property and evicted her. The court ruled unanimously to compel arbitration.

***Paw Paw's Camper City, Inc. v. Hayman*, 973 So.2d 344:** Buyers sued the seller of a camper, alleging fraud. In a 6-3 vote, the court declined to compel arbitration.

***Title Max of Birmingham, Inc. v. Edwards*, 973 So. 2d 1050:** A borrower sued a lender and a reposessor, alleging that it repossessed the wrong truck and damaged it. The court ruled unanimously to compel arbitration.

***Ritter v. Grady Auto. Group, Inc.*, 973 So. 2d 1058:** A car buyer sued the dealer, alleging that it misrepresented the safety of the car. The court ruled unanimously (5) to compel arbitration.

***Poffenbarger v. Merit Energy Co.*, 972 So. 2d 792:** Landowners sued an oil company after its pipeline ruptured and spilled oil on their land. In a 7-2 vote, the court ruled for the defendant.

***Noland Health Services v. Wright*, 971 So.2d 681:** Relatives sued a nursing home after the patient fell and broke her neck. In a 5-4 vote, the court declined to compel arbitration.

***State Farm Mut. Auto. Ins. Co. v. Bennett*, 974 So. 2d 959:** An insured sued her UIM insurer. The court ruled unanimously for the plaintiff.

***Elizabeth Homes, L.L.C. v. Cato*, 968 So. 2d 1:** Homebuyers sued the seller. The court ruled unanimously (5) to compel arbitration.

***Robinson v. Ala. Cent. Credit Union*, 964 So. 2d 1225:** A fired employee

sued his employer for age discrimination. The court ruled unanimously for the defendant.

Ex parte Int'l Ref. & Mfg. Co., 972

So. 2d 784: Employees sued their employer and the makers of allegedly toxic chemicals to which they were exposed. The court ruled unanimously (5) for the defendants.

Jimmy Day Plumbing & Heating, Inc. v.

Smith, 964 So. 2d 1: The plaintiff was driving a motorcycle when he was struck by the defendant's truck. The court ruled unanimously (5) for the plaintiff.

Lands v. Lull Int'l, Inc., 963 So. 2d 626:

An injured employee sued the maker of a forklift from which he fell, causing injury. The court ruled unanimously for the defendant.

Sherrer v. Embry, 963 So. 2d 79:

A patient sued her dentist after her surgery led to an infection. The court ruled unanimously (5) for the defendant.

Horn v. Fadal Machining Ctrs., LLC,

972 So. 2d 63: An estate sued the maker of a machine that the decedent was working with when a piece of the machine flew out and struck her in the throat, killing her. The court ruled unanimously (5) for the plaintiff and reinstated some of her claims.

Tyler v. Williams, 963 So. 2d 76:

A borrower sued a store, alleging that it failed to transfer money to her lender, causing her to lose her home to foreclosure. The court ruled unanimously (5) to compel arbitration.

Weinrib v. Duncan, 962 So. 2d 167:

A patient sued her doctor after she fell while climbing down from the examination table. The court ruled unanimously (5) for the defendant.

Hundley v. J.F. Spann Timber, Inc., 962

So. 2d 187: A widow sued the timber company whose truck collided with her husband in a fatal crash. The court ruled unanimously (5) for the defendant.

Tell v. Terex Corp., 962 So. 2d 174:

A widow sued the maker of a dump truck that crushed her husband to death while he checked the brakes. In an 8-1 vote, the court ruled for the plaintiff.

Rester v. McWane, Inc., 962 So. 2d

183: An employee sued his employer because he was fired after talking to a reporter about environmental and safety hazards at his worksite. The court ruled unanimously (5) for the defendant.

Davis v. Sterne, Agee and Leach, Inc.,

965 So.2d 1076: Surviving family members sued a father's investment-fund manager. In a 7-2 vote, the court ruled for the defendant.

***Henriksen v. Roth*, 12 So. 3d 652:** A patient sued her dentist after surgery left her with nerve damage. The court ruled unanimously (5) for the defendant.

***Lawson v. Moore*, 25 So. 3d 417:** A patient sued her doctor, alleging that he misdiagnosed her fetus as unviable and terminated the pregnancy. The court ruled unanimously (5) for the plaintiff.

***Brown v. Abus Kransysteme GmbH*, 11 So.3d 788:** A widow sued the manufacturer of a hoist, which was installed on a crane her husband was operating when the hoist snapped, causing a beam to fall on her husband and kill him. In an 8-1 vote, the court affirmed summary judgment for the defendant.

***Ex parte Ind. Mills & Mfg.*, 10 So. 3d 536:** A widow sued the manufacturer of a dump truck and its seatbelts after her husband was ejected from the truck and killed during an accident. In an 8-1 vote, the court ruled for the defendant.

***Birmingham Coal & Coke Co. v. Johnson*, 10 So. 3d 993:** Residents sued the operator of a coal mine, alleging damages from blasting. The court ruled unanimously for the plaintiffs.

***Prattville Mem. Chapel & Memory Gardens, Inc. v. Parker*, 10 So. 3d 546:**

A consumer sued the current owner of a cemetery plot after he found out that he had not purchased the plot he thought he did. The court ruled unanimously (8) for the defendant.

***Ex parte Allianz Life Ins. Co. of N. Am.*, 25 So. 3d 411:** An insured sued her insurer, alleging that it defrauded her in the sale of an annuity. The court ruled unanimously (5) for the plaintiff.

***Nationwide Mut. Fire Ins. Co. v. Estate of Files*, 10 So. 3d 533:** The plaintiff was injured in an altercation with an insured and sued his insurer. The court ruled unanimously for the defendant.

***Killings v. Enterprise Leasing Co., Inc.*, 9 So.3d 1216:** The plaintiff was injured when a car leased through the defendant by his employer lost a wheel and the defendant subsequently sold the car. In a 6-3 vote, the court ruled for the plaintiff.

***Savage v. Gentiva Health Servs.*, 8 So. 3d 943:** A patient sued his home health care provider, alleging that its nurse caused an infection and failed to follow the doctor's instructions. The court ruled unanimously for the defendant.

***George v. Ala. Power Co.*, 13 So. 3d**

360: A traffic-light technician sued the power company after he was severely electrocuted and burned. The court ruled unanimously for the plaintiff and reinstated one of his claims.

***Ex parte Hensel Phelps Constr. Co.*, 7**

So. 3d 999: An injured employee sued his employer after he fell while repairing the roof of a Wal-Mart store. The court ruled unanimously (5) for the defendant.

***Ex parte Bama Concrete*, 8 So. 3d 295:**

An injured driver sued a truck driver and his employer. The court ruled unanimously (5) for the defendant and changed the venue.

***Thompson v. Patton*, 6 So. 3d 1129:**

An estate sued the decedent's psychiatrist after the decedent committed suicide, alleging that the psychiatrist discharged the patient prematurely. The court ruled unanimously for the defendant.

***Van Voorst v. Fed. Express Corp.*, 16 So.**

3d 86: An injured driver sued another driver and FedEx, alleging that its truck blocked her view of oncoming traffic. The court ruled unanimously (5) for the defendant.

***Amerus Life Ins. Co. v. Smith*, 5 So.3d**

1200: An insured sued his insurer, alleging that he was defrauded into

believing that his policy would be extended for 42 years without an increase in his premium. In a 7-1 vote, the court ruled for the defendant.

***Harris v. Health Care Auth.*, 6 So. 3d**

468: A patient sued his hospital, alleging that it failed to monitor his condition after he was restrained, leading to nerve damage in his hand. The court ruled unanimously for the defendant.

Crosslin v. Health Care Auth. of

Huntsville, 5 So. 3d 1193: A patient sued his hospital, alleging that it failed to inform him of a tumor identified in 2002. The court ruled unanimously (5) for the plaintiff.

***Banker v. Circuit City Stores, Inc.*, 7**

So. 3d 992: A consumer filed a class-action suit against a retailer, alleging that it breached its warranty. The court ruled unanimously (5) to deny class certification.

***Ex parte Tahsin Indus. Corp., U.S.A.*, 4**

So. 3d 1121: An employee sued his employer, alleging that it failed to pay him the commissions it owed him. The court ruled unanimously for the defendant.

***Harris-Franklin v. Heathcock*, 13 So. 3d**

346: An injured driver sued the other driver and the owner of a gas station where hours before the accident the other driver allegedly purchased beer

while visibly intoxicated. The court ruled unanimously (5) for the defendant and change the venue.

***Ex parte Macon County Greyhound Park, Inc.*, 3 So. 3d 855:** A patron sued a casino over a disputed jackpot. The court ruled unanimously (5) for the defendant.

***Ex parte Phil Owens Used Cars, Inc.*, 4 So. 3d 418:** An injured driver sued a business that had previously owned and repaired a vehicle involved in the accident. The court ruled unanimously for the defendant.

***Giles v. Brookwood Health Servs.*, 5 So. 3d 533:** A patient sued her doctors after she was injured during a surgery in which they removed the wrong ovary. The court ruled unanimously for the defendant.

***Johnson v. Jefferson County Racing Ass’n*, 1 So.3d 960:** The plaintiff sued on behalf of a class of persons to recover money spent on illegal slot machines. In an 8-1 vote, the court ruled to compel arbitration.

***Weber v. Freeman*, 3 So. 3d 825:** A mother sued her infant’s doctors after they failed to diagnose a bowel obstruction and the infant died. The court ruled unanimously for the defendants.

***Ex parte John Alden Life Ins. Co.*, 999 So. 2d 476:** An insured sued his

insurer after a sharp increase in his premiums, claiming fraud. The court ruled unanimously for the plaintiff.

***Jones v. Alfa Mut. Ins. Co.*, 1 So. 3d 23:** Insureds sued their home insurer after it allegedly failed to pay claims for hurricane damage. The court ruled unanimously for the plaintiffs and reinstated one of their claims.

***Falls v. JVC America, Inc.*, 7 So. 3d 986:** An employee sued her employer, alleging that she was fired for filing a workers’ compensation claim. The court ruled unanimously for the defendant.

***Panayiotou v. Johnson*, 995 So. 2d 871:** An estate sued the decedent’s doctor after she died after an artery ruptured during heart surgery. In a 7-2 vote, the court ruled for the defendant.

***Crutcher v. Williams*, 12 So. 3d 631:** A patient sued an ER doctor after she waited a long time for treatment. The court ruled unanimously (5) for the defendant.

***Ex parte Brookwood Med. Ctr.*, 994 So. 2d 264:** The families of two patients sued a psychiatric hospital after it placed the patients in a room with a patient who was known to be violent and who assaulted the patients, killing one of them. The court ruled unanimously (5) for the defendant and bifurcated the trials.

Chris Myers Pontiac-GMC, Inc. v. Perot, 991 So. 2d 1281: A car buyer sued the dealer after discovering that water leaked from his car. The court ruled unanimously (5) to compel arbitration.

Ex parte Nationwide Ins. Co., 991 So. 2d 1287: An insured sued her insurer for UIM benefits. The court ruled unanimously (5) for the defendant.

Ex parte Flowers, 991 So. 2d 218: A daughter sued a deli after its ceiling burst and water poured onto her mother, causing her to fall, break both her legs, and eventually die. In an 8-1 vote, the court ruled for the defendant on an evidentiary issue.

Ex parte St. Vincent's Hosp., 991 So. 2d 200: Parents sued a hospital after they discovered that their deceased fetus was not cremated for 18 months, even though the hospital allegedly said that it would only take a few days. The court ruled unanimously for the plaintiffs.

Jenks v. Harris, 990 So. 2d 878: Homeowners sued the builders, alleging defects. The court ruled unanimously (5) for the plaintiffs.

Ex parte Safeway Ins. Co. of Ala., Inc., 990 So. 2d 344: An insured sued his insurer over UIM benefits. The court ruled unanimously for the defendant.

Springhill Hosps., Inc. v. Larrimore, 5 So. 3d 513: An estate sued the decedent's hospital after a prescription from a doctor at the hospital led to the patient's death. The court ruled unanimously for the defendant.

Ex parte Citizens State Bank, 989 So. 2d 507: The plaintiff sued a bank. The court ruled unanimously (5) for the defendant.

Ex parte Kane, 989 So. 2d 509: An injured driver sued the other driver and his insurer. The court ruled unanimously (5) for the defendant and changed the venue.

Griffin v. Unocal Corp., 990 So.2d 291: A widow sued her husband's employer for wrongful death, alleging that exposure to benzene and other toxic chemicals led to his death. In a 5-4 vote, the court ruled for the plaintiff.

Maciasz v. Fireman's Fund Ins. Co., 988 So. 2d 991: Parents sued a cheerleading organization and its insurer after their daughter died on the way to an event. The court ruled unanimously (5) for the defendant.

Ex parte Cohen, 988 So. 2d 508: The plaintiff sued movie producers, alleging that they misled her when she signed a consent form to appear in a movie. The court ruled unanimously (5) for the plaintiff.

***Phillips v. United Servs. Auto. Ass'n*, 988 So. 2d 464:** An injured passenger sued her insurer for UIM benefits. The court ruled unanimously (5) for the defendant.

***DiBiasi v. Joe Wheeler Elec. Mbrshp. Corp.*, 988 So. 2d 454:** An estate sued two power companies after the decedent was electrocuted and killed when he touched a power line. The court ruled unanimously (5) for the defendant.

2009

***Joe Hudson Collision Ctr. v. Dymond*, 40 So. 3d 704:** An employee sued his supervisor and employer, alleging that the supervisor assaulted him when he complained about a new compensation scheme. The court ruled unanimously (8) to compel arbitration.

***Graves v. Brookwood Health Servs.*, 43 So. 3d 1218:** A patient sued her health care provider, alleging that a nurse erred in inserting an IV, leading to nerve damage in her hand. The court ruled unanimously (5) for the plaintiff.

***Frazier v. Core Indus.*, 39 So. 3d 140:** An injured employee sued his employer. The court ruled unanimously (5) for the defendant.

***Macon County Greyhound Park v. Knowles*, 39 So. 3d 100:** A patron sued a casino over a disputed jackpot. The court ruled unanimously (5) for the defendant.

***Swanstrom v. Teledyne Cont'l Motors, Inc.*, 43 So. 3d 564:** Family members

sued the manufacturers of a small aircraft and its components after the decedent crashed and died. The court ruled unanimously (5) for the plaintiffs and reinstated some of their claims.

***Smallwood v. Holiday Dev., LLC*, 38 So. 3d 718:** Condo buyers sued the developers, alleging that the condos were not of the quality promised. The court ruled unanimously (5) for the plaintiffs.

***CNH Am., LLC v. Roebuck*, 41 So. 3d 41:** A widow sued the manufacturer of a backhoe that crushed her husband in an accident. The court ruled unanimously for the defendant.

***StoneMor Ala., LLC v. Summers*, 36 So. 3d 5:** A widow sued a cemetery company after it removed a headstone she had placed on her husband's grave. The court ruled unanimously (5) to compel arbitration.

***McKinney v. Nationwide Mut. Fire Ins. Co.*, 33 So. 3d 1203:** An insured

sued her insurer for UIM benefits. The court ruled unanimously for the plaintiff.

Nationwide Mut. Fire Ins. Co. v.

***Austin*, 34 So. 3d 1238:** An insured sued her insurer for UIM benefits. In a 7-2 vote, the court ruled for the defendant.

***Foster v. Hacienda Nirvana, Inc.*, 32 So.**

3d 1256: A widow sued the purchaser of her husband's horses for payment. The court ruled unanimously (5) for the defendant.

***Ivy v. Carraway*, 32 So. 3d 1247:** A patient sued his surgeon after he left an object inside him during surgery. The court ruled unanimously (5) for the defendant.

***Eufaula Hosp. Corp. v. Lawrence*, 32**

So. 3d 30: Patients filed a class-action suit against the hospital, alleging that it charged more to uninsured patients. The court ruled unanimously to decertify the class.

***Crews v. McLing*, 38 So. 3d 688:**

Homebuyers sued the sellers, alleging that they improperly installed the home on their property. In an 8-1 vote, the court ruled for the corporate defendant.

***Ex parte Movie Gallery, Inc.*, 31 So.**

3d 104: The plaintiff was sent by his employer to perform work at the

defendant's facility, and the defendant told the plaintiff's employer that the plaintiff was drunk. The court ruled unanimously (5) for the defendant and changed the venue.

***Cartwright v. Maitland*, 30 So. 3d 405:**

Homebuyers sued the sellers, alleging that the house was not habitable because it was contaminated after being used as a meth lab. The court ruled unanimously (5) to compel arbitration.

***Shaffer v. Regions Fin. Corp.*, 29**

So. 3d 872: An employee sued his former employer. The court ruled unanimously (5) for the plaintiff and reinstated some of his claims.

Ex parte Wallace, Jordan, Ratliff

***& Brandt, L.L.C.*, 29 So. 3d 175:**

Individuals sued corporations, had their actions dismissed, and then successfully filed to reopen them. The court ruled unanimously (5) for the defendants.

Ex parte Progressive Specialty Ins.

***Co.*, 31 So. 3d 661:** An injured driver sued the owner and insurer of the dump truck that struck them. The court ruled unanimously (5) for the defendants.

Hunter v. Mooring Tax Asset Group,

***LLC*, 53 So. 3d 879:** Landowners sued a bank after it wrongfully sued to evict them. The court ruled unanimously (5) for the plaintiff.

***Sparks v. Total Body*, 27 So.3d 489:**

Customers sued a fitness center after ingesting diet supplements that allegedly caused them injuries. In a 5-4 vote, the court ruled for the plaintiffs.

***Carlisle v. Moore*, 26 So. 3d 1202:**

A veterinarian sued her former supervisor and employer, alleging that he had sexually harassed her, groped her, and exposed his genitals to her. In a 7-1 vote, the court ruled for the defendants and allowed them to question the plaintiff about her sexual history.

***Collins v. Scenic Homes, Inc.*, 38 So.3d**

28: Tenants sued their landlords after a fire destroyed their building and caused injuries. In a 7-2 vote, the court ruled for the plaintiffs.

Gilmer v. Crestview Mem. Funeral

***Home, Inc.*, 35 So. 3d 585:** A widow sued a funeral home, alleging that it rushed the service, buried the casket in the wrong direction, and had a nonlicensed employee embalm the body. The court ruled unanimously for the plaintiff and reinstated some of her claims.

***Hutchins v. Serv. Corp. Int'l*, 26 So.**

3d 1163: Family members sued a funeral home over problems with their father's burial. The court ruled unanimously for the plaintiff.

***Assurant, Inc. v. Mitchell*, 26 So. 3d**

1171: An insured sued her home

insurer over claims for wind and water damages. The court ruled unanimously to compel arbitration.

State Farm Mut. Auto. Ins. Co. v.

***Brown*, 26 So. 3d 1167:** A minor sued her father's insurer for UIM benefits. The court ruled unanimously for the defendant.

***Black v. Comer*, 38 So. 3d 16:**

A patient sued her surgeon after he mistakenly removed her kidney. The court ruled unanimously (5) for the plaintiff.

***Mobile Ob-Gyn, P.C. v. Baggett*, 25**

So.3d 1129: A patient was prescribed a blood-pressure medication while pregnant, resulting in a miscarriage, but the physician testified that he told the patient not to take the drugs when he learned she was pregnant. In an 8-1 vote, the court ruled for the defendant.

***Dolgenercorp, Inc. v. Taylor*, 28 So.3d**

737: A customer sued a retailer after she tripped over two unopened boxes while shopping. In a 7-1 vote, the court ruled for the defendant.

***Ex parte Greenetrack, Inc.*, 25 So. 3d**

449: Patrons sued a gaming facility, alleging that they were entitled to recoup their losses because the facility was illegal. In a 6-3 vote, the court ruled for the defendant and changed the venue.

Wash. Mut. Bank, F.A. v. Campbell, 24 So. 3d 435: A homebuyer sued his lender, alleging that it failed to pay the premiums on his home insurance, resulting in cancellation and a new policy with higher premiums. The court ruled unanimously (5) for the defendant.

Mosley v. Brookwood Health Servs., 24 So. 3d 430: A patient sued a medical center after a violent patient attacked her. The court ruled unanimously (5) for the defendant.

Bibb v. Ctr. for Pain of Montgomery, P.C., 23 So. 3d 1135: A patient sued her doctor, alleging that an injection left her without the use of her hand. The court ruled unanimously (8) for the defendant.

Kendall v. United Servs. Auto. Ass'n, 23 So. 3d 1119: An insured sued her insurer for UIM benefits. The court ruled unanimously for the defendant.

Ex parte DBI, Inc., 23 So. 3d 635: A mother sued the manufacturer of a seatbelt, alleging that it was defective and allowed her daughter to be thrown from a car and killed during an accident. The court ruled unanimously for the plaintiff.

Lyons v. Vaughan Reg'l Med. Ctr., LLC, 23 So. 3d 23: A patient sued a hospital, alleging that it had inserted an IV into her tissue, not her vein. The court ruled unanimously for the defendant.

Affinity Hosp., L.L.C. v. Williford, 21 So. 3d 712: An estate sued a hospital after the decedent went to the ER complaining of suicidal thoughts, was interviewed by a nurse and asked to wait, and then hung himself in a restroom. The court ruled unanimously (5) for the plaintiff.

Cobb v. Fisher, 20 So. 3d 1253: A patient sued her surgeon after discovering bone fragments and cement in her knee following surgery. The court ruled unanimously for the defendant.

Ex parte Fairfield Nursing & Rehab. Ctr., L.L.C., 22 So. 3d 445: Patients and their family members sued a nursing home. In a 7-2 vote, the court ruled for the defendants on an evidentiary issue.

Henderson v. Meadwestvaco Corp., 23 So. 3d 625: A widow sued her husband's former employer, alleging that he died from cancer caused by exposure to asbestos 32 years earlier. The court ruled unanimously for the defendant.

Hollander v. Nichols, 19 So. 3d 184: A patient sued his doctor for allegedly disclosing his medical records to his employer. The court ruled unanimously for the plaintiff.

Ryan v. Patterson, 23 So. 3d 12: Homeowners filed a class-action suit against exterminators. The court ruled unanimously (5) to decertify the class.

***Cook's Pest Control, Inc. v. Rebar*, 28 So.3d 716:** Homebuyers sued the exterminators for failing to control a termite infestation. In a 7-1 vote, the court ruled for the defendant.

***Ex parte Navistar, Inc.*, 17 So. 3d 219:** A daughter sued the manufacturer and designer of a truck her father was driving when he was killed, alleging that the design was unsafe. The court ruled unanimously for the defendant and changed the venue.

***Ex parte Citizens Prop. Ins. Corp.*, 15 So. 3d 511:** An insured in Alabama sued her Florida-based insurer after her Florida beach home was damaged and the insurer denied her claims. In a 7-2 vote, the court ruled for the defendant.

***Ex parte Morgan*, 13 So. 3d 385:** Insureds sued their UIM insurer after it denied their claims because the policy required the insurer to approve any settlement. The court ruled unanimously for the defendant.

***Mobile Gas Serv. Corp. v. Robinson*, 20 So. 3d 770:** Family members sued a gas company after a grandmother died from carbon monoxide poisoning. The court ruled unanimously (6) for the defendant.

***Bryan v. Ala. Power Co.*, 20 So. 3d 108:** Farmers sued a power company, alleging that it negligently operated a dam

and caused flooding on their farms. The court ruled unanimously (5) for the defendant.

***Ex parte Terminix Int'l Co. Ltd. P'ship.*, 14 So. 3d 849:** Consumers sued an exterminator for failing to detect and treat a termite infestation. The court ruled unanimously (5) for the plaintiffs.

***Ace Title Loan, Inc. v. Crump*, 14 So. 3d 94:** A borrower sued his lender, alleging that its agents assaulted him during repossession. The court ruled unanimously (5) for the defendant.

***Brown v. GMC.*, 14 So.3d 104:** A car buyer sued the manufacturer for defects in the car. In an 8-1 vote, the court ruled for the plaintiff.

***Ex parte Gadsden Country Club*, 14 So. 3d 830:** An employee alleged that he was fired for seeking workers' compensation benefits. In a 6-2 vote, the court ruled for the plaintiff.

***Carr v. International Refining & Mfg. Co.*, 13 So.3d 947:** The plaintiffs filed suit against the manufacturers of chemicals that they said injured them in the course of their employment. In an 8-1 vote, the court ruled for the plaintiffs.

***Laster v. Norfolk Southern Ry. Co., Inc.*, 13 So.3d 922:** A boy was playing with friends in the defendant's railyard

when a moving train severed his foot. In a 7-2 vote, the court ruled for the defendant.

***Hereford v. D.R. Horton, Inc.*, 13 So. 3d 375:** A homeowner sued the seller for allegedly failing to honor its warranty and repair water damage. The court ruled unanimously for the defendant

and held that “manifest disregard of the law” is not grounds for vacating an arbitrator’s award.

***Crutcher v. Williams*, 12 So. 3d 631:** A patient sued an ER doctor after she waited a long time for treatment. The court ruled unanimously (5) for the defendant.

2010

***Carter v. Colonial Bank, N.A.*, 66 So. 3d 231:** Heirs sued a bank, alleging that its employees lied about the bank’s financial prospects after they inherited shares of its stock. The court ruled unanimously (8) for the bank.

***Ex parte De Vega*, 65 So. 3d 886:** A widow and her children sued a drilling company and electricians after her husband was electrocuted and killed by a generator. The court ruled unanimously for the plaintiffs.

***Elliott v. Navistar, Inc.*, 65 So. 3d 379:** High school students sued bus companies after their bus was struck by another vehicle and fell 30 feet over a concrete barrier, killing four students and injuring others. The court ruled unanimously (8) for the plaintiffs.

***Baldwin Mut. Ins. Co. v. Edwards*, 63 So. 3d 1268:** Insureds filed a class-action suit against an insurer for allegedly failing to pay their full costs

to repair damages from Hurricane Katrina. The court ruled unanimously (5) to decertify the class.

***Ex parte Wood*, 69 So. 3d 166:** An employee sued his employer, alleging that he was fired for filing a workers’ compensation claim. The court ruled unanimously for the plaintiff.

***Dale v. Kolb*, 61 So. 3d 251:** A woman sued her sister’s doctor after her sister was misdiagnosed and died the next day. The court ruled unanimously (5) for the plaintiff.

***Ex parte Renovations Unlimited, LLC*, 59 So. 3d 679:** Homeowners sued a contractor over disputes over payments for subcontractors and materials. The court ruled unanimously (5) for the defendant.

***Olshan Found. Repair Co. v. Schultz*, 64 So. 3d 598:** Homeowners sued a contractor, alleging that its work

damaged their home. The court ruled unanimously (5) for the defendant.

Miller v. Bailey, 60 So. 3d 857: A patient sued her surgeon, alleging that he cut her stomach during surgery, which caused fluid to leak into her chest, necessitating further surgeries. In a 7-2 vote, the court ruled for the plaintiff and upheld a verdict in her favor.

Ex parte Haynes, 58 So. 3d 761: An injured driver sued the other driver and his employer. The court ruled unanimously for the plaintiff.

Martin v. Cash Express, Inc., 60 So. 3d 236: Borrowers filed a class-action suit against payday lenders, alleging that they conspired to charge usurious rates. The court ruled unanimously for the defendants.

Jenkins v. Atelier Homes, 62 So. 3d 504: Homeowners filed suit against the builders, alleging water damage, defects, and building-code violations. The court unanimously declined to compel arbitration.

Ex parte Regions Fin. Corp., 67 So. 3d 45: Shareholders in investment funds sued the corporation, alleging securities fraud stemming from the collapse of the funds. In a 7-1 vote, the court ruled for the defendants.

Maloof v. John Hancock Life Ins. Co., 60 So.3d 263: The plaintiffs sued their

insurer, alleging that it misrepresented the fact that benefits would cover any estate taxes upon the insured's death. In an 8-1 vote, the court ruled for the defendant.

Ex parte Autauga Heating & Cooling, LLC, 58 So. 3d 745: An injured driver sued the other driver involved in her accident and his employer. In a 7-2 vote, the court ruled for the defendant and changed the venue.

Precise v. Edwards, 60 So. 3d 228: A mother sued her doctors after her baby died shortly after birth. In an 8-1 vote, the court ruled for the defendants.

Payne v. Mut. Sav. Life Ins. Co., 58 So. 3d 108: An insured sued his health insurer after it stopped paying for his cancer treatment because he reached the limit in his policy. The court ruled unanimously (5) for the defendant.

Ex parte Geico Cas. Co., 58 So. 3d 741: An insured sued her insurer for UIM benefits. The court ruled unanimously (5) for the defendant.

Galaxy Cable Inc. v. Davis, 58 So.3d 93: A mother sued a cable company after her son tripped over a utility wire. In an 8-1 vote, the court ruled for the plaintiff.

Vankineni v. Santa Rosa Beach Dev. Corp. II, 57 So. 3d 760: A condo buyer

sued the developer. In an 8-1 vote, the court ruled for the plaintiff.

Custom Performance, Inc. v. Dawson, 57 So. 3d 90: A widower sued a motorcycle-parts dealer, as well as the maker and seller of a motorcycle helmet, after his wife was killed in a motorcycle accident. The court ruled unanimously to compel arbitration.

Horne v. TGM Assocs., L.P., 56 So. 3d 615: Tenants sued their landlord after they were forced to relocate after their building was damaged during Hurricane Katrina. The court ruled unanimously (5) for the plaintiffs and reinstated some of their claims.

Ex parte Michelin N. Am., Inc., 56 So. 3d 604: An estate sued a tire manufacturer, alleging that a defective tire caused an accident that killed the decedent. The court ruled unanimously (5) for the defendant and changed the venue.

SSC Selma Operating Co., LLC v. Gordon, 56 So. 3d 598: A widow sued the nursing home in which her husband died. The court ruled unanimously (5) for the defendant.

Progress Indus. v. Wilson, 52 So. 3d 500: An injured employee sued the makers of equipment in his workplace after he suffered an injury that resulted in the amputation of a leg. The court ruled unanimously for the defendant.

Phillips v. Seward, 51 So. 3d 1019: An injured driver sued the other driver in the accident and his employer. The court ruled unanimously (8) for the plaintiff.

Hartford Underwriters Ins. Co. v. Reed, 57 So. 3d 742: The assignee of an insured's right sued an insurer. The court ruled unanimously (5) for the defendant.

North River Ins. Co. v. Overton, 59 So. 3d 1: Homebuyers sued the sellers, won the suit, and sought to garnish the sellers' insurance premiums to pay the judgment. The court ruled unanimously for the defendant.

Courtney v. Geico Ins. Cos., 47 So. 3d 1225: Insureds sued their insurer after an uninsured motorist injured them. The court ruled unanimously (5) for the plaintiff.

Ex parte Price, 47 So. 3d 1221: A former employee sued his employer for allegedly unpaid wages. The court ruled unanimously (5) for the defendant and changed the venue.

Wood v. Wayman, 47 So. 3d 1212: A widow sued her husband's doctors after her husband died from an undiagnosed illness. In an 8-1 vote, the court ruled for the defendants.

Owens-Ill., Inc. v. Wells, 50 So.3d 413: Plaintiffs sued defendants over inju-

ries allegedly sustained from asbestos exposure. In a 7-2 vote, the court ruled for the plaintiffs.

***Chestang v. IPSCO Steel (Alabama), Inc.*, 50 So. 3d 418:** Residents sued a steel mill, alleging damages from excessive noise and air pollution. The court ruled unanimously (5) for the defendant.

***Ex parte Jackson Hosp. & Clinic, Inc.*, 49 So. 3d 1210:** A patient sued a hospital for medical malpractice, had a judgment entered against her, and then had the judgment reopened. The court ruled unanimously (5) for the defendant.

***New Acton Coal Mining Co. v. Woods*, 49 So. 3d 181:** Residents sued a coal mine, alleging damages from blasting. The court ruled unanimously (5) for the defendant.

***Robertson v. Gaddy Elec. & Plumbing*, 53 So. 3d 75:** An injured employee sued his employer after he was repairing electrical wiring that his employer had installed 10 years earlier. The court ruled unanimously for the plaintiff and granted him a new trial.

***Tenn. Health Mgmt., Inc. v. Johnson*, 49 So.3d 175:** The administrator of the decedent's estate sued the decedent's nursing home, alleging that while the patient was a resident, she suffered dehydration, a urinary-tract infection,

and an abdominal blockage. In an 8-1 vote, the court ruled to compel arbitration.

***Ex parte Ford Motor Co.*, 47 So. 3d 234:** A widower sued the maker of his wife's SUV after it flipped over during an accident, killing her. The court ruled unanimously (5) for the defendant and changed the venue.

***Ex parte Am. Heritage Life Ins. Co.*, 46 So. 3d 474:** A corrections officer sued his insurer for benefits under an accident-plan insurance policy after an inmate attacked him. In a 5-4 vote, the court ruled for the defendant and severed the claims against the inmate from those against the insurer.

***CSX Transp., Inc. v. Miller*, 46 So. 3d 434:** An injured employee sued his employer, alleging that it failed to provide a safe workplace. The court ruled unanimously for the plaintiff.

***Kennedy v. Boles Invs., Inc.*, 53 So. 3d 60:** A seller sued the buyer of real estate. The court ruled unanimously (5) for the defendant.

***Dixon v. Hot Shot Express, Inc.*, 44 So. 3d 1082 (2010):** The decedent's estate sued a truck driver's employer after a truck in which the decedent was a passenger experienced two flat tires, hydroplaned, and was then struck by the defendant's tractor trailer. In an 8-1 vote, the court ruled for the defendant.

***Weatherspoon v. Tillery Body Shop, Inc.*, 44 So. 3d 447:** The plaintiff's son stole her car and abandoned it in a parking lot, where it was towed by the defendant and sold at an auction. In an 8-1 vote, the court ruled for the defendant.

***Stover v. Synagro-WWT, Inc.*, 42 So. 3d 1228:** Residents sued chemical-processing plants, alleging that they dumped toxic chemicals on their land. The court ruled unanimously for the defendant and changed the venue.

***Crews v. Nat'l Boat Owners Ass'n Marine Ins. Agency, Inc.*, 46 So. 3d 933:** An insured sued his insurer over

a claim for hurricane damage to his yacht. The court ruled unanimously (8) to compel arbitration.

***Ex parte Southeast Ala. Reg'l Healthcare Auth.*, 42 So. 3d 695:** An estate sued the decedent's hospital, alleging that it failed to diagnose her cancer in a timely manner. The court ruled unanimously for the defendant and changed the venue.

***Ex parte Excelsior Fin., Inc.*, 42 So. 3d 96:** Insureds sued their insurer, alleging that its agents lied to induce them to convert their policies. The court ruled unanimously (5) for the defendant.

2011

***Ex parte City Boy's Tire*, 87 So. 3d 521:** A consumer sued a tire shop, alleging that it should have inspected the other tires when it installed a new tire. The court ruled unanimously for the defendant.

***Oak Grove Res., LLC v. White*, 86 So. 3d 963:** Residents sued a coal refinery, alleging that it allowed dust to come onto their property, causing injury and property damage. The court ruled unanimously for the defendant.

***Bradberry v. Carrier Corp.*, 86 So. 3d 973:** The families of deceased workers sued employers and others, alleging

that the workers were harmed by exposure to asbestos. The court ruled unanimously (5) for the defendants.

***Travelers Indem. Co. v. Miller*, 86 So. 3d 338:** A homebuyer sued the seller's insurer to recover an earlier judgment. The court ruled unanimously (8) for the defendant.

***Ex parte Novus Utils., Inc.*, 85 So. 3d 988:** Landowners sued a utility company and others over damage from sewage discharged onto their property. The court ruled unanimously for the defendant.

Springhill Hosps., Inc. v. Critopoulos, 87 So. 3d 1178: A patient sued a hospital and his nurses after he developed an ulcer on his neck following surgery. The court ruled unanimously (5) for the defendants.

Nat'l Sec. Fire & Cas. Co. v. DeWitt, 85 So. 3d 355: Insureds filed a class-action suit, alleging that the insurer underpaid their claims for home repairs. The court ruled unanimously (5) to decertify the class.

Aurora Healthcare, Inc. v. Ramsey, 83 So. 3d 495: An estate sued the decedent's nursing home. The court ruled unanimously (5) for the defendant.

Ex parte McNeese Title, LLC, 82 So. 3d 670: A land purchaser sued the seller, alleging that it lied about the land. The court ruled unanimously for the defendant.

Turquoise Props. Gulf, Inc. v. Overmyer, 81 So. 3d 1250: Condo buyers sued the developers, alleging that they failed to provide certain promised amenities. The court ruled unanimously (5) for the defendants.

Am. Suzuki Motor Corp. v. Burns, 81 So. 3d 320: Car buyers sued a dealer when it closed the dealership, alleging that it effectively breached its warranty. The court ruled unanimously (7) for the defendant.

Lafarge N. Am., Inc. v. Nord, 86 So.

3d 326: A truck driver sued a forklift operator and his employer after he was struck by the forklift and injured. The court ruled unanimously for the defendant.

Ex parte Am. Timber & Steel Co., 102

So. 3d 347: The families of accident victims sued the other driver's employer and other companies. The court ruled unanimously (6) for the defendants.

Thomas v. Sloan Homes, LLC, 81 So. 3d

309: Homebuyers sued the seller and the developer, alleging that the home was built in a flood plain. The court ruled unanimously (5) to compel arbitration.

Don Drennen Motor Co. v. McClung,

79 So. 3d 593: An injured employee sued his employer because he was fired after his injury. The court ruled unanimously (5) for the defendant.

Crestview Mem. Funeral Home, Inc. v.

Gilmer, 79 So. 3d 585: A widow sued a funeral home, alleging that it was negligent in caring for her husband's body. The court ruled unanimously for the defendant.

Ex parte Ismail, 78 So. 3d 399: A

patient sued his doctor and hospital after he fell during an X-ray. The court ruled unanimously (5) for the defendant.

Ex parte Compass Bank, 77 So. 3d

578: A client sued his bank, alleging that it forged his name on a deed. The court ruled unanimously (5) for the defendant.

Ex parte Delta Int'l Mach. Corp., 75 So.

3d 1173: The plaintiff sued the defendant after he lost a finger and injured his hand while using one of its bench saws. The court ruled unanimously for the defendant.

Ala. Title Loans, Inc. v. White, 80 So. 3d

887: A borrower sued a title lender, alleging that its agent assaulted her and repossessed her car after she paid off the loan. The court ruled unanimously to compel arbitration.

Downey v. Travelers Prop. Cas. Ins.

Co., 74 So. 3d 952: An injured driver sued her insurer for UIM benefits. The court ruled unanimously for the defendant.

Jenkins v. Lincoln Elec. Co., 103 So. 3d

1: Employees filed a class-action suit against their employers, alleging that they were injured by welding fumes. In an 8-1 vote, the court ruled for the employers.

Ex parte Mobile Infirmary Ass'n, 74 So.

3d 424: An estate sued a hospital that treated the decedent shortly before she died. The court ruled unanimously (5) for the defendant.

Farr v. Gulf Agency, 74 So. 3d 393: An

insured sued his home insurer over a claim filed after his home was destroyed by a hurricane. The court ruled unanimously (5) for the defendant.

Ex parte Ford Motor Co., 73 So. 3d

597: An estate sued a car company, alleging that its faulty seatbelt led to the decedent's death. In a 6-3 vote, the court ruled for the defendant and changed the venue.

Nail v. Publix Super Mkts., 72 So.

3d 608: A patient sued a pharmacy, alleging that its failure to tell her that her dosage had been changed led to complications that required surgery. In an 8-1 vote, the court ruled for the plaintiff.

Johnson v. Layton, 72 So. 3d 1195: A

patient sued her physical therapist, alleging that a failure to diagnose her condition resulted in the loss of the use of her arm. The court ruled unanimously (5) for the defendant.

Bailey v. Progressive Specialty Ins. Co.,

72 So. 3d 587: An insured sued her insurer for UIM benefits after being awarded a judgment from a negligent driver. The court ruled unanimously (5) for the defendant.

Fed. Credit, Inc. v. Fuller, 72 So. 3d 5: A

debtor sued his creditor for defamation after it sent a collection letter to

his employer. The court ruled unanimously (5) for the defendant.

***O'Rear v. B.H.*, 69 So. 3d 106:** A patient sued his doctor after he allegedly fostered the patient's drug dependence and started a sexual relationship with the patient, who was a minor. The court ruled unanimously for the plaintiff.

***Breland v. Rich*, 69 So. 3d 803:** A mother sued her infant daughter's doctor for malpractice after the doctor mistakenly failed to examine her eyes and she was rendered permanently blind. The court ruled unanimously (5) for the plaintiff.

***Kelley v. Nawas Int'l Travel Serv.*, 68 So. 3d 823:** A client sued a travel agency after she was injured on a trip organized by the agency. The court ruled unanimously (5) for the defendant.

***Yaw v. Northwest Mental Health Ctr.*, 68 So. 3d 792:** A patient sued a hos-

pital after another patient beat him so severely that he ended up in a coma. The court ruled unanimously (5) for the defendant and held that the other patient's records were confidential.

***Ford Motor Co. v. Duckett*, 70 So. 3d 1177:** An injured passenger sued a carmaker, alleging defects in its design. The court ruled unanimously (5) for the defendant.

***Clayton v. LLB Timber Co.*, 70 So. 3d 283:** A truck driver sued another truck driver and his employer after its truck rolled into the plaintiff's truck and injured him. In a 7-1 vote, the court ruled for the plaintiff.

***Ex parte Green Tree Fin. Corp.*, 89 So. 3d 84:** A homeowner sued her finance company, alleging that its agent trespassed on her property and assaulted her. The court ruled unanimously (5) for the defendant and changed the venue.

2012

***Hill v. Fairfield Nursing & Rehab. Ctr., LLC*, 2012 Ala. LEXIS 137:** A patient sued her nursing home after she broke her leg as a nurse helped her out of bed. In an 8-1 vote, the court ruled for the plaintiff.

***Buspy v. BancorpSouth Bank*, 2012 Ala. LEXIS 135:** A loan guarantor sued a bank, alleging that it misrepresented the size of the loan that he had been guaranteed. The court ruled unanimously (5) for the defendant.

***Black Warrior Elec. Mbrshp. Corp. v. McCarter*, 2012 Ala. LEXIS 138:**

An injured employee sued a power company after a low-hanging power line electrocuted him. The court ruled unanimously (5) for the defendant.

***Boudreaux v. Pettaway*, 2012 Ala.**

LEXIS 130: A mother sued her daughter's doctors and hospital after she died while under anesthesia for an exploratory procedure. In an 8-1 vote, the court ruled for the defendant.

***Ex parte State Farm Mut. Auto. Ins. Co.*,**

105 So. 3d 1199: An insured sued his insurer, alleging that any reimbursement to his insurer from his personal-injury claim should be reduced by the amount of his attorney's fees. The court ruled unanimously (8) for the plaintiff.

***Ex parte Nail*, 2012 Ala. LEXIS 98:** A patient sued a hospital and his nurses after his tracheotomy tube became dislodged and he went into cardiac arrest. The court ruled unanimously (5) for the plaintiff.

***Pynes v. Jackson Hosp. (Ex parte Noland Hosp.)*, 2012 Ala. LEXIS 97:**

A man sued a hospital, alleging that his brother died from injuries caused while he was a patient. The court ruled unanimously (5) for the defendant.

***David Bennett & Bennett & Bennett Constr., Inc. v. Skinner*, 98 So. 3d 1140:** Homeowners sued a contractor. The

court ruled unanimously (5) to compel arbitration.

***Hamilton v. Scott*, 97 So. 3d 728:** A

mother sued her doctors after she had a miscarriage. The court ruled unanimously for the plaintiff.

***Hrynkiw v. Trammell*, 96 So. 3d 794:**

A patient sued a hospital and his surgeon after he was rendered disabled following back surgery. The court ruled unanimously for the plaintiff.

Webster v. Southeast Ala. Timber

***Harvesting, LLC*, 94 So. 3d 371:** A driver sued a timber company and its driver after timber on a truck came loose, struck her car, and injured her. In an 8-1 vote, the court ruled for the defendant and changed the venue.

***Wolfe v. Wal-Mart Stores, Inc.*, 93 So.**

3d 937: A patron sued a store after merchandise fell from a shelf, injuring her and exacerbating a back problem. The court ruled unanimously (5) for the plaintiff and declined to change the venue.

Am. Family Life Assur. Co. of Columbus

***v. Parker*, 92 So. 3d 58:** An insured sued his insurer after it refused to pay his claims on a cancer insurance policy. The court ruled unanimously (5) to compel arbitration.

***Ex parte Capstone Bldg. Corp.*, 96 So.**

3d 77: A construction worker sued a

contractor after he fell into a manhole on its construction site. In an 8-1 vote, the court ruled for the defendant.

McMahon v. Yamaha Motor Corp., U.S.A., 95 So. 3d 769: A driver sued the maker of an off-road utility vehicle after it rolled over, injuring her. In a 5-3 vote, the court ruled for the plaintiff and reinstated one of her claims.

Jackson v. Wells Fargo Bank, N.A., 90 So. 3d 168: Homeowners sued their

mortgage lender, alleging that it wrongfully foreclosed on their home while negotiations were ongoing. The court ruled unanimously (5) for the plaintiffs and reinstated one of their claims.

Ex parte Wright Bros. Constr. Co., 88 So. 3d 817: An injured employee sued his employer and another company after he was involved in a vehicle collision at a rock quarry. The court ruled unanimously (5) for the defendant and changed the venue.

Ohio

Ohio has long seen some of the most expensive judicial elections in the country. The abrupt and clear change in the ideology of the court is alarming. The following data set includes 163 cases from the Ohio high court, and the defendants won in 109 of those cases, giving them a 68 percent success rate. From 2007 to 2012, the era when pro-corporate judges controlled the bench, the defendants' success rate jumped to 80 percent.

2002

***Ferrando v. Auto-Owners Mut. Ins. Co.*, 781 N.E.2d 927:** A city employee was clearing the road of debris when a truck struck and injured him, and he subsequently sued an insurer for UIM benefits. In a 4-3 vote, the court ruled for the defendant.

***Berrios v. State Farm Insurance Company*, 781 N.E.2d 149:** An insured sued his insurer after it sought reimbursement for his medical expenses. In a 5-2 vote, the court ruled for the defendant.

***Dardinger v. Anthem Blue Cross*, 781 N.E.2d 121:** A husband sued his wife's health insurer after it ceased paying for a cancer treatment that had been reducing her tumors and she died. In a 4-3 vote, the court rule for the plaintiff but ordered a remittitur of the punitive-damages award.

***Manigault v. Ford Motor Co.*, 775 N.E.2d 824:** Car owners sued the manufacturer, alleging that the car

accelerated on its own. In a 4-3 vote, the court ruled for the plaintiff.

***In Re Consolidated Mortgage Satisfaction Cases*, 780 N.E.2d 556:**

Borrowers filed a class-action suit against their lenders, alleging that the lenders failed to record the satisfaction of the borrowers' mortgages. In a 5-2 vote, the court recertified the class.

***Hillyer v. State Farm Fire & Casualty Company*, 780 N.E.2d 262:** Insureds sued their insurer for UIM coverage. The court ruled unanimously for the plaintiffs.

***Miller v. Gunkle*, 775 N.E.2d 475:** A child sued his insurer for UIM benefits after being injured by an uninsured driver. In a 6-1 vote, the court ruled for the plaintiff.

***Osborne v. AK Steel/Armco Steel Company*, 775 N.E.2d 483:** Employees sued their former employer for age

discrimination. The court ruled unanimously for the plaintiffs.

***Wiles v. Medina Auto Parts*, 773 N.E.2d 526:** An employee sued his employer, alleging that it fired him for taking leave under the Family and Medical Leave Act, or FMLA. In a 4-3 vote, the court ruled for the defendant.

***Kostelnik v. Helper*, 770 N.E.2d 58:** A widower sued his wife's doctors for malpractice, the parties settled, and the doctors then challenged the settlement. In a 4-3 vote, the court ruled for the plaintiff.

***Gerig v. Kahn*, 769 N.E.2d 381:** Parents sued their doctors for medical malpractice after their child was born with disabilities. The court ruled unanimously to compel arbitration.

***Charvat v. Dispatch*, 769 N.E.2d 829:** A consumer sued a newspaper for making unsolicited telephone calls to his home. In a 6-1 vote, the court ruled for the plaintiff.

***Gibson v. Drainage Products, Inc.*, 766 N.E.2d 982:** An estate sued the decedent's employer after he was killed when a pipe exploded and molten plastic poured onto him. In a 5-2 vote, the court ruled for the plaintiff.

***Norgard v. Brush Wellman, Inc.*, 766 N.E.2d 977:** An employee sued his employer after he developed a lung disease related to exposure to beryl-

lium. In a 4-3 vote, the court ruled for the plaintiff.

***Hartman v. Duffey*, 768 N.E.2d 1170:** A patient settled a malpractice suit with her doctors and sought interest on the settlement amount. In a 5-2 vote, the court ruled for the plaintiff.

***Lynch v. Yob*, 768 N.E.2d 1158:** Family members sued the insurer of a tractor-trailer that caused a fatal accident. In a 4-3 vote, the court ruled for the plaintiffs.

***Bonacorsi v. Wheeling & Lake Erie Railway Company*, 767 N.E.2d 707:** A driver sued a railroad company after he was injured in a collision with a train. In a 4-3 vote, the court ruled for the plaintiff.

***Vaccariello v. Smith & Nephew Richards, Inc.*, 763 N.E.2d 160:** A patient filed a class-action suit against the maker of a screw inserted into her back. In a 4-3 vote, the court ruled for the plaintiff.

***Pusey v. Bator*, 762 N.E.2d 968:** A mother sued the property owners whose security guards shot and killed her son. The court ruled unanimously for the plaintiff.

***Wallace v. Balint*, 761 N.E.2d 598:** Injured motorists sued the insurer of the other driver involved in an accident. In a 5-2 vote, the court ruled for the plaintiffs.

Fulmer v. Insura Prop.& Cas. Co., 760 NE 2d 392: An insured sued her insurer over a UIM claim. In a 4-3 vote, the court ruled for the plaintiff.

Pytlinski v. Brocar Products, Inc., 760 N.E.2d 385: An employee sued his employer, alleging that he was fired for blowing the whistle on workplace hazards. In a 6-1 vote, the court ruled for the plaintiff.

2003

Maestle v. Best Buy Company, 800 N.E.2d 7: Consumers filed a class-action suit against a retailer and a finance company for allegedly improper financing fees. The court unanimously declined to compel arbitration.

Westfield Ins. Co. v. Galatis, 797 N.E.2d 1256: The decedent's estate sued the UIM insurer of the decedent's employer. In a 4-3 vote, the court ruled for the defendant.

Pinchot v. Charter One Bank, 792 N.E.2d 1105: A borrower sued his lender for failing to record the satisfaction of his mortgage within the required time. The court ruled unanimously for the plaintiff.

Hooten v. Safe Auto Insurance Company, 795 N.E.2d 648: An injured driver sued his insurer for refusing to pay a claim because he did not have a license when he was in an accident. The court ruled unanimously for the defendant.

Cincinnati Insurance Company v. Anders, 789 N.E.2d 1094: Insureds sued their insurer after it refused to defend them in a suit, alleging that the insurers lied to the buyers of their home. The court ruled unanimously for the defendant.

Rancman v. Interim Settlement Funding Corporation, 789 N.E.2d 217: A borrower sued her lender, alleging that it charged illegally high rates of interest. The court ruled unanimously for the plaintiff.

Armstrong v. Best Buy Company, Inc., 788 N.E.2d 1088: A patron sued a store for injuries he sustained when he tripped over a shopping-cart guardrail. In a 6-1 vote, the court ruled for the defendant.

Vaught v. Cleveland Clinic Foundation, 787 N.E.2d 631: A patient sued his doctor and hospital, alleging that the doctor incorrectly placed a replacement knee in a manner that required two further surgeries to correct it. In a 6-1 vote, the court ruled for the plaintiff.

***Wilson v. Brush Wellman, Inc.*, 817**

N.E.2d 59: Union members sued their employer for negligence and other claims after they were allegedly exposed to toxic dust and sought to establish a medical monitoring fund. In a 5-2 vote, the court declined to certify the case as a class action.

***Howland v. Purdue Pharma L.P.*, 821**

N.E.2d 141: Patients sued the manufacturer of OxyContin, an addictive painkiller, after they were prescribed the drug, became addicted, and suffered adverse consequences. In a 4-3 vote, the court declined to certify the case as a class action.

***Dobran v. Franciscan Med. Ctr.*, 806**

N.E.2d 537: A patient sued his health care provider after it ordered a biopsy but the samples were ruined before reaching the lab. In a 4-3 vote, the court threw out the plaintiff's claim.

***Modzelewski v. Yellow Freight Sys., Inc.*, 808 N.E.2d 381:** A UPS employee sued the defendant after its truck driver struck him and pinned him against a loading dock. In a 5-2 vote, the court ruled for the injured worker.

***Ponser v. St. Paul Fire & Marine Ins. Co.*, 821 N.E.2d 173:** A driver was killed in a collision with an uninsured driver, and relatives of the decedent sought UIM benefits from her insurer. The

court unanimously ruled that the plaintiffs' failure to sue the driver for wrongful death was not a valid basis to deny the claim.

***Hopkins v. Dyer*, 820 N.E.2d 329:** A bicyclist was struck by an uninsured motorist and filed a UIM claim with her employer's insurer. In a 4-3 vote, the court ruled that her injury was not covered by her employer's UIM policy.

***Weaver v. Edwin Shaw Hospital*, 819**

N.E.2d 1079: A teen's parents sued a hospital, alleging that their son fell out of his wheelchair on two occasions, injuring his face, head, and teeth. The court unanimously ruled the claim was not barred by the statute of limitations.

***Layne v. Progressive Preferred Ins. Co.*, 820 N.E.2d 867:**

An injured driver settled with the insurer of the driver who caused the accident, and he sued for an interest payment on the settlement amount. In a 6-1 vote, the court threw out the case.

***Katz v. Ohio Ins. Guar. Assn.*, 812 N.E.2d**

1266: A doctor and relatives of his patient sued his malpractice-insurance guarantor to recover funds from a malpractice claim after his insurer became insolvent. In a 4-3 vote, the court ruled that the damages were capped by a statute that capped damages.

***Maitland v. Ford Motor Co.*, 816 N.E.2d 1061:** Car buyers sued a car company under state lemon law to recover deductions from refunds paid by the company for cars purchased. In a 4-3 vote, the court ruled that the company was allowed a deduction for mileage.

***Gable v. Village of Gates Mills*, 816 N.E.2d 1049:** A driver sued the manufacturer of his car after he ran off the road and the airbag deployed, striking him and paralyzing him from the neck down. In a 5-2 vote, the court reinstated the trial court's judgment for the defendant.

***N. Buckeye Educ. Council Group Health Benefits Plan v. Lawson*, 814 N.E.2d 1210:** An insured's daughter was injured in a car accident, and the insurer refused to pay for her care until the insured agreed to reimburse the insurer for the expenses if she received damages from the responsible driver. In a 4-3 vote, the court granted summary judgment for the insurer.

***Kyle v. Buckeye Union Ins. Co.*, 814 N.E.2d 1195:** A woman was injured

when her sister wrecked the plaintiff's car, and because the driver's insurance policy excluded family members, the injured car owner filed a UIM claim. In a 4-3 vote, the court ruled for the insurer.

***Darby v. A-Best Prods. Co.*, 811 N.E.2d 1117:** Asbestos plaintiffs sought to add defendants to their asbestos lawsuit. In a 5-2 vote, the court denied the request.

***Coryell v. Bank One Trust Co. N.A.*, 803 N.E.2d 781:** A worker sued his employer for age discrimination. In a 4-3 vote, the court reinstated the claim.

***Gentry v. Craycraft*, 802 N.E.2d 1116:** Parents sued after their toddler was injured in the defendants' yard. In a 6-1 vote, the court threw out the lawsuit.

***Saunders v. Mortensen*, 801 N.E.2d 452:** The insured, his wife, and his son filed a UIM claim after the son was injured in an accident. In a 4-3 vote, the court ruled that all three claims counted as a single accident for purposes of interpreting the policy.

Hess v. Norfolk Southern Railway Co.,

835 N.E.2d 679: Twenty-eight former employees sued their employer for diseases and lung cancer resulting from exposure to asbestos. In a 5-2 vote, the court ruled that the railroad could offset the settlement amount with money the plaintiffs received from other sources.

***Rosette v. Countrywide Home Loans, Inc.,* 825 N.E.2d 599:** The plaintiffs sued a bank for allegedly failing to record satisfaction of their mortgages. In a 4-3 vote, the court ruled for the plaintiffs.

Sarmiento v. Grange Mut. Cas. Co.,

835 N.E.2d 692: The plaintiffs sued their UIM insurer over claims for injuries sustained in an out-of-state accident. In a 5-2 vote, the court ruled the plaintiff's UIM claim was barred by the statute of limitations.

Fazio v. Hamilton Mut. Ins. Co.,

835 N.E.2d 20: An insured filed a UIM claim after she was struck by a dune buggy while in Mexico. In a 5-2 vote, the court ruled that her insurance policy could limit UIM coverage to Canada and the United States.

Johnson v. Microsoft Corp.,

834 N.E.2d 791: A consumer sued the giant software company, alleging that it engaged in unfair trading practices in pricing its software. In a 5-2 vote, the court threw out the claim.

Beard v. Meridia Huron Hosp.,

834 N.E.2d 323: A patient's family sued a hospital and a doctor after the patient died after an operation, alleging that the doctor should not have operated when the patient's white-blood-cell count was extremely low. In a 5-2 vote, the court reinstated a verdict for the hospital.

Comer v. Risko,

833 N.E.2d 712: A patient sued a doctor and a hospital for allegedly misreading his X-rays and failing to diagnose cancer in a timely manner. In a 5-2 vote, the court threw out the claim.

Estate of Nord v. Motorists Mut. Ins.

826 N.E.2d 826: While an insured was being transported by ambulance, a paramedic dropped a syringe, which struck the patient's eye. The court unanimously ruled that the resulting injury was not covered by his UIM policy.

***Robinson v. Bates*, 857 N.E.2d 1195:**

A tenant sued her landlord after she injured herself on the premises. In a 6-1 vote, the court overruled the trial court's directed verdict for the landlord.

***Theobald v. Univ. of Cincinnati*, 857 N.E.2d 573:** A patient sued a hospital after he lost his sight and the use of his arms after surgery. In a 6-1 vote, the court ruled that the defendants were entitled to immunity.

***Whitaker v. M.T. Auto., Inc.*, 855 N.E.2d 825:** A car buyer sued the dealer after it refused to refund his deposit and lost his car stereo. In a 6-1 vote, the court ruled that the buyer could recover noneconomic damages.

***Seger v. For Women, Inc.*, 854 N.E.2d 188:** A patient sued her health care provider after it incorrectly placed a suture, requiring an additional surgery. The court unanimously voted to reinstate her claim.

***Sheaffer v. Westfield Ins. Co.*, 853 N.E.2d 275:** The family of an insured sought UIM benefits under the UIM policy of the insured's employer after she was killed in an accident with an uninsured driver. In a 4-3 vote, the court declined to retroactively apply a case that would bar recovery.

***Byrd v. Smith*, 850 N.E.2d 47:** An employee was driving a company car when he was struck and injured by an uninsured driver, and he sued his employer's insurer for UIM benefits. In a 6-1 vote, the court ruled that the insurer was not entitled to summary judgment.

***Schirmer v. Mt. Auburn Obstetrics*, 844 N.E.2d 1160:** Parents sued a hospital for failing to diagnose health problems of their fetus, seeking damages for the expenses of caring for a disabled child. In a 4-3 vote, the court ruled that the parents had a valid medical-malpractice claim.

***Marrone v. Philip Morris USA, Inc.*, 850 N.E.2d 31:** Consumers sued a cigarette maker for allegedly misrepresenting the facts about "light" cigarettes. In a 4-3 vote, the court ruled that the company could not be held liable because it had no notice that such conduct was illegal under consumer laws.

***Doe v. Archdiocese of Cincinnati*, 849 N.E.2d 268:** A former parishioner sued a Catholic church for sexual abuse allegedly inflicted by a priest when the parishioner was a child. In a 5-2 vote, the court ruled that the claim was barred by the statute of limitations.

***Campbell v. Ohio State Univ. Med. Ctr.*, 843 N.E.2d 1194:** A patient sued a hospital after another patient injured her. In a 5-2 vote, the court ruled that the hospital had no duty to protect the patient because she had not received a threat.

***Hedges v. Nationwide Mut. Ins. Co.*, 846 N.E.2d 16:** An insured filed a UIM claim after her son was struck by a truck and killed while riding his bike. In a 5-2 vote, the court ruled that her son was not a relative under the policy since he did not live with her.

***Groob v. Keybank*, 843 N.E.2d 1170:** A bank client sued a bank and its employee after the employee turned

down the client's loan application and then used information from the application to purchase a company. In a 4-3 vote, the court ruled the bank could not be held liable.

***Henderson v. Lawyers Title Ins. Corp.*, 843 N.E.2d 152:** Homeowners sued their title insurer over a premium dispute. In a 5-2 vote, the court ruled that the insurer could not force the plaintiffs into arbitration.

***M. Conley Co. v. Anderson*, 842 N.E.2d 1037:** Striking workers sued their employer for unemployment benefits after it hired permanent replacements. The court unanimously ruled that the workers could collect benefits.

2007

***Charvat v. Ryan*, 879 N.E.2d 765:** The plaintiff sued a dentist for violations of an antitelemarketing law. The court unanimously ruled for the plaintiff.

***Arbino v. Johnson & Johnson*, 880 N.E.2d 420:** The plaintiff sued the manufacturer of a birth-control patch that allegedly caused blood clots. In a 6-1 vote, the court upheld a tort-reform statute that limits damages for injured plaintiffs, even though it was similar to two other statutes ruled unconstitutional.

***Bickers v. W. & S. Life Ins. Co.*, 879 N.E.2d 201:** The plaintiff sued her former employer, alleging that she was fired in retaliation for seeking workers' compensation benefits. In a 5-2 vote, the court ruled that the plaintiff had no legal claim outside of the workers' compensation system.

***Greer-Burger v. Temesi*, 879 N.E.2d 174:** A manager sued his employee for abuse of litigation after she unsuccessfully sued him for sexual harassment. The court unanimously ruled that

such a suit is not per se retaliation for the employee's suit.

***Sinnott v. Aqua-Chem, Inc.*, 876 N.E.2d 1217:** An injured employee sued his employer, alleging injury from asbestos exposure. In a 5-2 vote, the court ruled for the defendant.

***Harris v. Mt. Sinai Med. Ctr.*, 876 N.E.2d 1201:** An infant's guardian sued the doctor and hospital who delivered him, alleging that a delay in delivering him by C-section resulted in mental retardation and other permanent injuries. In a 6-1 vote, the court ruled for the defendants.

***Norfolk S. Ry. Co. v. Bogle*, 875 N.E.2d 919:** Four employees sued their employer for injuries from exposure to asbestos. In a 5-2 vote, the court ruled for the defendants.

***Terry v. Caputo*, 875 N.E.2d 72:** Employees sued the owners and managers of the building in which they worked, alleging that they were injured by exposure to mold. In a 6-1 vote, the court ruled for the defendants.

***Leininger v. Pioneer Nat'l Latex*, 875 N.E.2d 36:** A 60-year-old employee sued her employer for age discrimination after she was fired and replaced by a 21-year-old. In a 6-1 vote, the court ruled for the defendant.

***Hall v. Banc One Mgmt. Corp.*, 873**

N.E.2d 290: An employee sued her employer for age and sex discrimination. In a 6-1 vote, the court ruled for the plaintiff.

Peters v. Columbus Steel Castings

***Co.*, 873 N.E.2d 1258:** The family of a deceased worker sued his employer after the worker suffered a fatal fall. The court ruled unanimously to compel arbitration.

***Culbreath v. Golding Enters., L.L.C.*, 872 N.E.2d 284:** The plaintiff sued

club owners for sending him an unsolicited fax advertising their club. The court ruled unanimously for the defendant.

***Snyder v. Am. Family Ins. Co.*, 871**

N.E.2d 574: A claimant sued an insurer over UIM benefits. In a 5-2 vote, the court ruled for the defendant.

Gliozzo v. Univ. Urologists of

***Cleveland*, 870 N.E.2d 714:** A patient filed a complaint for medical malpractice but failed to comply with the requirements for service of the complaint. In a 6-1 vote, the court ruled for the defendants.

***Celmer v. Rodgers*, 871 N.E.2d 557:** A

patient sued her doctors for failing to diagnose a lump on her breast as cancer. In a 4-3 vote, the court ruled for the plaintiff.

***Curl v. Volkswagen of Am., Inc.*, 871**

N.E.2d 1141: A car buyer sued a car manufacturer for breach of warranty after he bought a car from the rental-car company, which had purchased it from the manufacturer. In a 6-1 vote, the court ruled for the defendant.

***Olynyk v. Scoles*, 868 N.E.2d 254:** A patient sued her doctors for malpractice. In a 6-1 vote, the court ruled for the plaintiff.

***State ex rel. Charvat v. Frye*, 868 N.E.2d 270:** The plaintiff sued telemarketers for unsolicited calls to his home. The court ruled unanimously for the plaintiff.

***Bellman v. Am. Int'l Group*, 865 N.E.2d 853:** An injured party filed a class-action suit against insurers for delays

in paying settlements. The court ruled unanimously for the defendants.

***Ignazio v. Clear Channel Broadcasting, Inc.*, 865 N.E.2d 18:** An employee sued her employer, alleging that she faced sex and age discrimination, as well as retaliation. In a 6-1 vote, the court ruled to compel arbitration.

***Mid-American Fire & Cas. Co. v. Heasley*, 863 N.E.2d 142:** An insured sued his insurer for UIM coverage. In a 6-1 vote, the court ruled for the defendant.

***Fehrenbach v. O'Malley*, 862 N.E.2d 489:** Parents sued their child's doctors, alleging that their failure to diagnose bacterial meningitis led to permanent injuries. The court ruled unanimously for the plaintiffs.

2008

***Grundy v. Dhillon*, 900 N.E.2d 153:** A family member sued an ER doctor after a patient died soon after being seen there. The court ruled unanimously for the defendant.

***Fletcher v. Univ. Hosps. of Cleveland*, 897 N.E.2d 147:** A family member sued a hospital, asserting claims for medical malpractice and wrongful death. The court ruled unanimously for the defendants.

***DiCenzo v. A Best Prods. Co.*, 897 N.E.2d 132:** The widow of an employee who died from lung disease and other plaintiffs sued the supplier of products that contained asbestos. In a 5-2 vote, the court ruled for the defendant.

***Ackison v. Anchor Packing Co.*, 897 N.E.2d 1118:** A widow sued her husband's employer for allegedly exposing him to toxic asbestos and causing

his death. In a 5-2 vote, the court ruled for the defendant and held that a retroactive tort-reform statute was constitutional.

***Lager v. Miller-Gonzalez*, 896 N.E.2d 666:** A father sued his daughter's insurer for UIM benefits after she died in a car accident. In a 5-2 vote, the court ruled for the defendant.

***Dombroski v. Wellpoint, Inc.*, 895 N.E.2d 538:** An insured sued her health insurer after it denied her a cochlear implant to ameliorate hearing loss. In a 6-1 vote, the court ruled for the defendant.

***Hutchings v. Childress*, 895 N.E.2d 520:** A husband and wife sued a negligent driver and the driver's employer after the driver injured the wife, and the husband sought damages for lost wages for the time spent caring for his wife. In a 5-2 vote, the court ruled for the defendant.

***Maynard v. Eaton Corp.*, 895 N.E.2d 145:** An employee successfully sued his employer for an intentional tort and sought interest on the damages. The court ruled unanimously for the defendant.

***Laneve v. Atlas Recycling*, 894 N.E.2d 25:** An injured employee sued his employer after he opened a container with unknown hazardous chemicals. In a 6-1 vote, the court ruled for the defendant.

***Angel v. Reed*, 891 N.E.2d 1179:** An insured sued her insurer for UIM benefits two years after an accident, when she learned that the other driver lied about being insured. The court ruled unanimously for the defendant.

***Burnett v. Motorists Mut. Ins. Co.*, 890 N.E.2d 307:** An insured sued her insurer after she was injured in a car accident caused by her husband's negligence. In a 6-1 vote, the court ruled for the defendant.

***Wohl v. Swinney*, 888 N.E.2d 1062:** An injured driver sued the vehicle owner's insurer for UIM coverage. In a 6-1 vote, the court ruled for the defendant.

***Advent v. Allstate Ins. Co.*, 888 N.E.2d 398:** The decedent's estate sued the decedent's UIM insurer, but the insurer claimed that it had unilaterally modified its coverage and notified the administrator of the change. In a 6-1 vote, the court ruled for the defendant.

***Turner v. Ohio Bell Tel. Co.*, 887 N.E.2d 1158:** An estate sued a phone company after the decedent was killed when a vehicle in which he was riding struck a telephone pole. In a 5-2 vote, the court ruled for the defendant.

***Talik v. Fed. Marine Terminals, Inc.*, 885 N.E.2d 204:** An injured dockworker sued his employer after a stack of pipes he was loading collapsed on his

leg. In a 5-2 vote, the court ruled for the defendant.

***Reagans v. Mountainhigh Coachworks, Inc.*, 881 N.E.2d 245:** Homebuyers sued the bank that financed the home after discovering alleged defects. The court ruled unanimously for the defendant.

2009

***State Farm Mut. Auto. Ins. Co. v. Grace*, 918 N.E.2d 135:** Insureds filed a class-action suit against their insurer for refusing to pay medical expenses under a UIM policy. The court ruled unanimously for the defendant.

***Oliver v. Cleveland Indians Baseball Co.*, 915 N.E.2d 1205:** Plaintiffs sued the baseball team after the plaintiffs were arrested in connection with an explosion at a baseball game and mistreated by authorities. In a 5-2 vote, the court ruled for the defendant and held that a cap on compensatory damages was constitutional.

***Allen v. Totes/Isotoner Corp.*, 915 N.E.2d 622:** An employee sued her employer for pregnancy and lactation discrimination. In a 6-1 vote, the court ruled for the defendant.

***Hodesh v. Korelitz*, 914 N.E.2d 186:** A patient sued a surgeon and a hospital for leaving a towel in his abdomen

***Marich v. Bob Bennett Constr. Co.*, 880 N.E.2d 906:** Injured motorists sued a truck driver and his employer after the motorists struck an illegal wide-load truck. The court ruled unanimously for the defendant.

during surgery. The court ruled unanimously for the plaintiff.

***Schelling v. Humphrey*, 916 N.E.2d 1029:** A patient sued her doctor and hospital, alleging that negligence caused her further pain after a surgery. In a 4-3 vote, the court ruled for the plaintiff.

***Niskanen v. Giant Eagle, Inc.*, 912 N.E.2d 595:** A mother filed a lawsuit against a retailer where her son died of asphyxiation following an altercation with its employees that occurred when her son left the store without paying for groceries. In a 6-1 vote, the court ruled for the defendant.

***Williams v. Spitzer Autoworld Canton, L.L.C.*, 913 N.E.2d 410:** A car buyer sued the dealer after it allegedly reneged on an oral agreement to trade in a car for a certain amount. The court ruled unanimously for the defendant.

***Greenspan v. Third Fed. S&L Ass’n*, 912 N.E.2d 567:** A borrower sued his mortgage lender over a \$300 document-preparation fee. In a 6-1 vote, the court ruled for the defendant.

***Roe v. Planned Parenthood Southwest Ohio Region*, 912 N.E.2d 61:** Parents sued an abortion provider, alleging that it failed to secure their consent to perform an abortion on their 14-year-old daughter. In a 6-1 vote, the court ruled for the defendant on an evidentiary issue.

***Alexander v. Wells Fargo Financial Ohio 1*, 911 N.E.2d 286:** Borrowers sued lenders for allegedly failing to record the satisfaction of their mortgages. In a 6-1 vote, the court ruled for the defendants.

***Spiller v. Sky Bank*, 910 N.E.2d 1021:** A customer sought to redeem decades-old bank certificates of deposit, or CDs, but the bank refused because it had no records. In a 6-1 vote, the court ruled for the bank.

***Cundall v. U.S. Bank*, 909 N.E.2d 1244:** A trustee sued a bank for alleged fraud and self-dealing. In a 6-1 vote, the court ruled for the defendant.

***Lang v. Holly Hill Motel, Inc.*, 909 N.E.2d 120:** A guest sued a motel after falling on a step and breaking her hip. In a 6-1 vote, the court ruled for the defendant.

***Casserlie v. Shell Oil Co.*, 902 N.E.2d 1:** Gasoline purchasers alleged that oil companies set unfair prices. A six-justice majority rejected the plaintiffs’ claims; one justice dissented.

***Meyer v. United Parcel Service, Inc.*, 909 N.E.2d 106:** An employee sued his employer, alleging that he was fired because of his age. In a 6-1 vote, the court ruled for the defendant.

***Hayes v. Oakridge Home*, 908 N.E.2d 408:** A patient suffered injuries after falling while she was a resident at the defendant’s nursing home. In a 6-1 vote, the court ruled to compel arbitration.

***Minno v. Pro-Fab, Inc.*, 905 N.E.2d 613:** An injured employee sued a corporation related to his employer, alleging that its negligence caused his 19-foot fall. The court ruled unanimously for the defendant.

***Walburn v. Dunlap*, 904 N.E.2d 863:** An injured passenger sued his employer’s insurer for UIM benefits. In a 6-1 vote, the court ruled for the defendant.

***Wilborn v. Bank One Corp.*, 906 N.E.2d 396:** Borrowers filed a class-action suit against their mortgage lenders over a provision of their loan agreements that required them to pay attorney fees to have a mortgage reinstated after foreclosure. The court ruled unanimously for the defendants.

Martin v. Design Constr. Servs., 902

N.E.2d 10: Homeowners sued the builders for negligence in constructing their home. The court ruled unanimously for the plaintiffs.

2010

Ward v. Summa Health Sys., 128,

943 N.E.2d 514: A patient sued his surgeon, alleging that he contracted Hepatitis B during surgery. In a 6-1 vote, the court ruled for the plaintiff.

State ex rel. Sawicki v. Lucas County Court of Common Pleas, 931 **N.E.2d**

1082: A patient sued his doctor after experiencing internal bleeding, pain, and loss of the use of his leg following treatment. In a 4-2 vote, the court ruled for the plaintiff.

Pettiford v. Aggarwal, 934 **N.E.2d 913:**

A patient sued her doctor for failing to recognize a lung tumor on her X-ray. In a 5-2 vote, the court ruled for the defendant.

McFee v. Nursing Care Mgmt. of

America, Inc., 10 Ohio 2744: An employee sued her employer, alleging pregnancy discrimination. In a 5-1 vote, the court ruled for the defendant.

Boley v. Goodyear Tire & Rubber Co.,

929 N.E.2d 448: A widower sued his employer after his wife died from

asbestos exposure that allegedly occurred when she washed her husband's work clothes. In a 5-1 vote, the court ruled for the defendant.

Banford v. Aldrich Chem. Co., 932

N.E.2d 313: Residents sued the owners of a chemical plant that exploded, causing an evacuation. In a 4-2 vote, the court ruled for the defendant.

Erwin v. Bryan, 929 **N.E.2d 1019:** A

widow sued her husband's doctors, alleging that they failed to diagnose a fatal blood clot. In a 5-1 vote, the court ruled for the defendant.

Riedel v. CONRAIL, 928 **N.E.2d 448:**

Employees sued their employer for damages from asbestos exposure. The court ruled unanimously for the plaintiffs.

Jaques v. Manton, 928 **N.E.2d 434:** An

injured driver sued the other driver and her insurer. In a 5-1 vote, the court ruled for the defendant.

Neal-Pettit v. Lahman, 928 **N.E.2d 421:**

An injured party won a lawsuit, and

when the defendant's insurer refused to pay the award of attorney fees, the plaintiff sued the insurer. In a 5-2 vote, the court ruled for the plaintiff.

***Estate of Hall v. Akron Gen. Med. Ctr.*, 927 N.E.2d 1112:** An estate sued the decedent's hospital after a catheter infection and laceration led to his death. In a 4-3 vote, the court ruled for the defendant.

***Stetter v. R.J. Corman Derailment Servs. LLC*, 927 N.E.2d 1092:** An employee sued his employer. In a 6-1 vote, the court ruled for the defendant and upheld a statute that limits employers' liability.

***Bergman v. Monarch Constr. Co.*, 925 N.E.2d 116:** Employees sued their employer for allegedly violating a prevailing wage law. In a 5-2 vote, the court ruled for the plaintiffs.

2011

***White v. Leimbach*, 959 N.E.2d 1033:** A patient sued his doctor, alleging that the doctor failed to inform him of the risk of a second back surgery. The court ruled unanimously for the defendant.

***Huff v. FirstEnergy Corp.*, 957 N.E.2d 3:** A landowner sued a power company and a contractor when a tree limb fell and struck her, alleging that the contractor should have removed the limb or warned her of the danger because it had previously inspected the tree. The court ruled unanimously for the defendant.

***Barbee v. Nationwide Mut. Ins. Co.*, 955 N.E.2d 995:** A family injured in an accident sued their insurer for UIM benefits. In a 7-2 vote, the court ruled for the defendant.

***Dohme v. Eurand Am., Inc.*, 956 N.E.2d 825:** An employee sued his employer, alleging that he was fired for expressing his concerns about workplace safety. The court ruled unanimously for the defendant.

***King v. ProMedica Health Sys.*, 955 N.E.2d 348:** Insureds filed a class-action suit against a hospital, alleging that it billed their auto insurers instead of their health insurers. In a 6-1 vote, the court ruled for the defendant.

***Dominish v. Nationwide Ins. Co.*, 953 N.E.2d 820:** An insured sued his insurer, alleging that it failed to fully pay his claim for damage from a tree falling on his home. The court ruled unanimously for the defendant.

***Engel v. Univ. of Toledo College of Med.*, 957 N.E.2d 764:** A patient sued a hospital, alleging that a surgeon's negligence during two surgeries required a third surgery. The court ruled unanimously for the defendant.

***Sutton v. Tomco Machining, Inc.*, 950 N.E.2d 938:** An employee sued his employer for retaliation after he was fired one hour after reporting an on-the-job injury. In a 4-3 vote, the court ruled for the plaintiff.

2012

***Ruther v. Kaiser*, 983 N.E.2d 291:** A patient sued his doctor for failing to assess and respond to lab results from more than three years that showed very high liver enzymes. In a 6-1 vote, the court ruled for the defendant and ruled constitutional a four-year statute of repose.

***Houdek v. Thyssenkrupp Materials N.A.*, 983 N.E.2d 1253:** An injured employee sued his employer after it assigned him to work in an area where he was struck by a co-worker driving a side loader. In a 6-1 vote, the court ruled for the defendant.

***DiFranco v. FirstEnergy Corp.*, 980 N.E.2d 996:** Consumers sued a power company, alleging that it reneged on a promised discount for all-electric

***Loudin v. Radiology & Imaging Servs.*, 948 N.E.2d 944:** A patient sued her radiologist for alleged harm from delays in diagnosing her breast cancer. The court ruled unanimously for the defendants.

***Westfield Ins. Co. v. Hunter*, 948 N.E.2d 931:** Insureds sued their home insurer for coverage for their grandson's injuries from an ATV accident on their farm. In a 4-3 vote, the court ruled for the plaintiff.

homes. In a 6-1 vote, the court ruled for the defendant.

***Branch v. Cleveland Clinic Found.*, 980 N.E.2d 970:** A patient sued her health care provider after she suffered a stroke during a new procedure that involved brain surgery, resulting in brain damage and paralysis. In a 6-1 vote, the court ruled for the defendant.

***Hewitt v. L.E. Myers Co.*, 981 N.E.2d 795:** An injured employee sued his employer, alleging that its failure to provide safety equipment led to his electrocution. In a 6-1 vote, the court ruled for the defendant.

***Flynn v. Fairview Vill. Ret. Cmty., LTD.*, 970 N.E.2d 927:** Family members

sued a retirement community, alleging negligence and medical malpractice. In a 6-1 vote, the court ruled for the defendant.

***Troyer v. Janis*, 971 N.E.2d 862:** A patient sued a doctor for medical malpractice. The court ruled unanimously for the plaintiff.

***Eastley v. Volkman*, 972 N.E.2d 517:** A mother sued a doctor and a pain clinic after her son died of a combination of prescription drugs. In a 6-1 vote, the court ruled for the defendant.

***Schwering v. TRW Vehicle Safety Sys.*, 970 N.E.2d 865:** A widower sued a car company and designer, alleging that a defective seatbelt contributed to his wife's death in an accident. The court ruled unanimously for the defendant.

***Jones v. Centex Homes*, 967 N.E.2d 1199:** Homebuyers sued the builder, alleging that defects caused their electronic devices to malfunction. The court ruled unanimously for the plaintiff.

***State ex rel. Mullins v. Curran*, 966 N.E.2d 267:** A widow sued a nursing home, alleging that its negligence caused her husband's death. In a 6-1 vote, the court ruled for the defendant.

***Havel v. Villa St. Joseph*, 963 N.E.2d 1270:** Family members sued nursing homes after a resident developed severe bedsores and a fatal infection from the sores. In a 5-2 vote, the court ruled for the defendant.

Michigan

The Michigan high court shows a clear tendency to rule for corporations over individual plaintiffs. Except for a brief period in 2009 and 2010, the cases studied overwhelmingly favor defendants. Out of the 164 cases in the data set, 120 resulted in a ruling for the defendant – a 72 percent success rate for corporate defendants.

2002

Archambo v. Lawyers Title Ins. Corp., 646 N.W.2d 17: A homeowner sued his title insurer after it failed to detect a lien on a home he purchased. The court ruled unanimously for the plaintiff.

Cruz v. State Farm Mut. Auto. Ins. Co., 648 N.W.2d 591: An insured sued her insurer to enforce an arbitrator's decision in her favor. The court ruled unanimously for the plaintiff.

Miller v. Mercy Mem'l Hosp. Corp., 644 N.W.2d 730: An estate sued the decedent's health care providers, alleging that they failed to detect a tumor in his lungs in a timely manner. The court ruled unanimously for the plaintiff.

Hesse v. Ashland Oil, Inc., 642 N.W.2d 330: Parents sued the employer of their teenage son after their son died after an explosion. In a 5-2 vote, the court ruled for the defendant.

Bynum v. ESAB Group, Inc., 651 N.W.2d 383: An injured employee sued the manufacturer of a machine that he

was working on when he was injured. The court ruled unanimously for the defendant.

Nowell v. Titan Ins. Co., 648 N.W.2d 157: The plaintiff was injured in an automobile accident and alleged that the insurance company's notice of the policy cancellation was not received before the accident. The court unanimously ruled for the defendant.

Roberts v. Mecosta County General Hosp., 642 N.W.2d 663: A patient sued the hospital for allegedly misdiagnosing her and performing an unnecessary surgery that left her unable to have children. In a 5-2 vote, the court ruled the claim was untimely.

Perkoviq v. Delcor Homes-Lake Shore Pointe, Ltd, 643 N.W.2d 212: The plaintiff sued the defendant, the owner of the property, for personal injuries that the plaintiff sustained when he fell from an icy roof of a house under construction. The court unanimously granted summary judgment in favor of the defendant.

***Robertson v. DaimlerChrysler Corp.*, 641 N.W.2d 567:** An employee claimed that his manager demanded he work on the manager's boat during business hours and that when he refused, he was demoted, which led to a verbal altercation and depression. In a 5-2 vote, the court ruled for the employer.

***Cox v. Flint Bd. of Hosp. Managers*, 651 N.W.2d 356:** A mother sued after a catheter inserted into her premature son slipped out, causing him to lose half his blood and suffer permanent brain damage. In a 5-2 vote, the court ruled for the hospital.

***Rogers v. JB Hunt Transport, Inc.*, 649 N.W.2d 23:** A decedent was killed when his vehicle left the highway and collided with the defendant's parked tractor-trailer. In a 6-1 vote, the court ruled for the defendant.

***Rose v. Nat'l Auction Group*, 646 N.W.2d 455:** A group of property owners sued an auction company for fraud and misrepresentation after the

auctioneers quoted a selling price that was not obtainable for the property. In a 6-1 vote, the court ruled for the defendant.

***Veenstra v. Washtenaw Country Club*, 645 N.W.2d 643:** An employee sued a country club after he was fired from his job for separating from his wife and living with another woman. In a 5-2 vote, the court ruled for the defendant.

***Markley v. Oak Health Care Investors of Coldwater, Inc.*, 637 N.W.2d 219:** The decedent's representative sought to recover indemnification from a successive tortfeasor. In a 6-1 vote, the court ruled for the defendant.

***Koontz v. Ameritech Services, Inc.*, 645 N.W.2d 34:** An employee sued her employer after the employer closed her plant, gave her a lump-sum pension payment, and reduced her unemployment benefits by the amount she would have received from a monthly pension. In a 5-1 vote, the court ruled for the employer.

2003

***Morales v. Auto-Owners Ins. Co.*, 672 N.W.2d 849:** A plaintiff was left disabled after an automobile accident and sought prejudgment interest from the defendant during the four-year appellate process. The court ruled unanimously for the plaintiff.

***Proudfoot v. State Farm Mut. Ins. Co.*, 673 N.W.2d 739:** The plaintiff sought no-fault benefits from the defendant for injuries suffered in a car-pedestrian accident in order to make modifications to the plaintiff's house to accommodate her limited mobility.

The court ruled unanimously for the defendant.

***Soupal v. Shady View, Inc.*, 672 N.W.2d**

171: Plaintiffs sought to enjoin defendants from constructing a dock longer than 75-feet on property that was zoned residential. The court ruled unanimously for the plaintiffs.

***Schmalfeldt v. North Pointe Ins. Co.*, 670 N.W.2d 651:**

The plaintiff was injured in a bar fight and filed a claim with the bar's insurer. In a 5-2 vote, the court ruled for the defendant.

***Sidorowicz v. Chicken Shack, Inc.*, 673 N.W.2d 106:**

A blind plaintiff was severely injured when he slipped and fell on a wet floor in the defendant's establishment. In a 5-2 vote, the court affirmed the defendant's summary judgment.

***Slobin v. Henry Ford Health Care*, 666 N.W.2d 632:**

A patient who was injured in a slip-and-fall accident alleged that a charge for copies of his medical records was unduly high and in violation of several legal principles. In a 5-2 vote, the court ruled for the defendant.

***Sniecinski v. Blue Cross and Blue Shield of MI*, 666 N.W.2d 186:**

An employee sued her employer, alleging pregnancy discrimination after a job offer expired before she started and she went on disability due to complica-

tions. In a 6-1 vote, the court ruled for the defendant.

***West v. General Motors Corp.*, 665 N.W.2d 468:**

An employee sued the employer after he was fired, claiming that he was fired in retaliation. The employer alleged that the employee misrepresented his overtime. In a 5-2 vote, the court ruled for the defendant.

***Wilkie v. Auto-Owners Ins. Co.*, 664 N.W.2d 776:**

The decedent was killed when he was in the insured's car, which was struck by a negligent driver, and the estates of the decedents sued the insurer. In a 4-3 vote, the court ruled for the defendant.

***Anderson v. Pine Knob Ski Resort, Inc.*, 664 N.W.2d 756:**

A member of a high school ski team sued a ski resort after he lost his balance and collided with a "timing shack." In a 4-2 vote, the court ruled for the defendant.

***Colin v. Comerica*, 664 N.W.2d 713:**

The plaintiff appealed a decision of the lower court, which held that the employee's race and gender employment-discrimination action against defendants was time-barred. In a unanimous vote, the court ruled for the plaintiff.

***Gladych v. New Family Homes, Inc.*, 664 N.W.2d 705:**

An employee was injured on the job and filed a com-

plaint against his employer one day before the statutory filing guideline. In a 5-2 vote, the court reinstated the grant of summary disposition for the employer.

***Dressel v. Ameribank*, 664 N.W.2d 151:**

The plaintiff filed a lawsuit against the defendant lender, alleging that the charging of a separate fee for the preparation of a standard mortgage form constituted an unauthorized practice of law. In a unanimous decision, the court reinstated the grant of summary disposition in favor of the defendant.

***Klapp v. United Ins. Group Agency, Inc.*, 663 N.W.2d 447:**

The plaintiff claimed that the retirement provision of an employment contract was ambiguous and that he was owed retirement benefits. In a unanimous decision, the court ruled for the plaintiff.

***Rednour v. Hastings Mut. Ins. Co.*, 661 N.W.2d 562:**

The plaintiff was driving

a car owned by the insured, stopped to change a tire, and was struck by a car. The plaintiff sued the car owner's insurer. In a 5-2 vote, the court ruled for the defendant.

***Boyle v. General Motors Corp.*, 661 N.W.2d 557:**

The buyers of a car dealership alleged that the sellers falsely represented the terms of the purchasing agreement. In a 5-1 vote, the court ruled for the defendant.

***Taylor v. Smithkline Beecham Corp.*, 658 N.W.2d 127:**

The plaintiffs alleged injuries from the drug Fen-Phen and another diet pill made by the defendant. In a 6-1 vote, the court ruled for the defendant.

***Eggleston v. Bio-Medical Applications of Detroit, Inc.*, 658 N.W.2d 13:**

A personal representative filed a medical-malpractice suit, and the defendant alleged that the filing period had expired. The court unanimously ruled for the plaintiff.

2004

***Shinholster v. Annapolis Hosp.*, 685 N.W.2d 275:**

An estate sued a hospital for failing to recognize the decedent's mini-strokes before they progressed. In a 4-3 vote, the court ruled for the defendant.

***Allstate Ins. Co. v. McCarn*, 683 N.W.2d 656:**

The case arose from the shooting death of a teenager at the insureds' home, and the insurance company believed that they were not obligated to cover the death because it was a

“criminal” exception in their policy. In a 4-3 vote, the court disagreed and ruled for the homeowners.

***Bryant v. Oakpointe Villa Nursing Centre*, 684 N.W.2d 864:** The estate sued the nursing home after the decedent fell partly off her bed and was asphyxiated when her neck was caught between the bed and the bed-rail. A five-justice majority ruled for the defendant; two justices dissented.

***Breighner v. Mich. High Sch. Ath. Ass’n*, 683 N.W.2d 639:** A high school student was prohibited from participating in a ski meet sponsored by the defendant because the student had previously participated in an unsanctioned event in violation of the defendant’s rules. In a 5-2 vote, the court ruled that the defendant was not a public body within the meaning of the Freedom of Information Act, or FOIA, and therefore did not have to disclose information regarding the decision to ban the student from the ski meet.

***Jenkins v. Patel*, 684 N.W.2d 346:** A representative sued his mother’s doctor and hospital, alleging medical malpractice in the treatment of his mother’s stroke. In a 5-2 decision, the court ruled for the defendant and concluded that a noneconomic-damages cap applied to medical malpractice wrongful-death suits.

***Ormsby v. Capital Welding, Inc.*, 684 N.W.2d 320:** A construction worker was injured when he fell 15 feet from a negligently maintained construction site. In a 6-1 vote, the court ruled for the defendant.

***Craig ex rel. Craig v. Oakwood Hosp.*, 684 N.W.2d 296:** The plaintiff suffered from mental retardation allegedly caused by the defendant administering too much contraction medication during the plaintiff’s birth. In a 6-1 vote, the court ruled for the defendant.

***Gilbert v. DaimlerChrysler Corp.*, 685 N.W.2d 391:** An employee, who was the first female hired for her job, sued her employer for sexual harassment after several incidents of lewd conduct at work. In a 4-3 vote, the court ruled for the defendant.

***Roberts v. Mecosta County Hosp.*, 684 N.W.2d 711:** A patient sued the hospital for allegedly performing an unnecessary surgery that left her unable to have children. In a 4-3 vote, the court ruled for the defendant.

***Grossman v. Brown*, 685 N.W.2d 198:** A representative sued a hospital and physician, alleging that they were negligent in evaluating the decedent and providing postoperative care. The court ruled unanimously for the plaintiff.

Halloran v. Bhan, 683 N.W.2d 129: The plaintiff's representative alleged that the physician and hospital's negligent treatment of the decedent's renal failure and subsequent cardiac arrest caused his death. In a 5-2 vote, the court ruled that the plaintiff's trial expert was not qualified to testify regarding the standard of care in Michigan and remanded the case to the circuit court.

Fultz v. Union-Commerce Assocs., 683 N.W.2d 587: A customer filed a negligence claim against the company after the customer slipped and fell on an icy parking lot owned by the company. In a unanimous opinion, the court ruled that no duty was owed to the plaintiff.

Phillips v. Mirac, Inc., 685 N.W.2d 174, (2004): The decedent was killed in an accident in a rental car, and the estate sued the rental-car company for the driver's negligence. A five-justice majority ruled for the defendant and upheld the statute capping damages for rental cars; two justices dissented.

Mann v. Shusteric Enters., Inc., 683 N.W.2d 573: A patron sued the defendant, a bar owner, for injuries that the patron sustained when he slipped and fell on ice and snow in the bar's parking lot. In a unanimous decision, the court ruled for the defendant.

Valcaniant v. Detroit Edison Co., 679 N.W.2d 689: A property owner filed

a tort claim against the defendant power company after he was injured when a dump truck knocked down an uninsulated power line. In a unanimous vote, the court ruled for the defendant.

Monat v. State Farm Ins. Co., 677 N.W.2d 843: The insured was injured when she was struck by another vehicle and received UIM benefits, which stopped after she sued the driver for negligence. In a 5-2 vote, the court ruled for the defendant.

Graves v. Am. Acceptance Mortg. Corp., 677 N.W.2d 829: The plaintiff, a judgment-lien holder, filed suit against the defendants, a judgment-lien debtor and a lender, to foreclose on her judgment lien. The court ruled unanimously for the plaintiff.

Waltz v. Wyse, 677 N.W.2d 813: The plaintiff's personal representative filed a wrongful-death action against a doctor and a hospital after her infant son died in the defendants' care from complications arising from pneumonia and dehydration. In a 5-2 decision, the court ruled for the defendants.

Abela v. General Motors Corp., 677 N.W.2d 325: The plaintiff purchased a truck using an employee discount under the company's employee purchase plan. After a dispute regarding the truck's warranty, the plaintiff sued.

In a 5-2 vote, the court ruled for the defendant.

***Twichel v. MIC Gen. Ins. Corp.*, 676 N.W.2d 616:** After a fatal motor-vehicle accident, the decedent's personal representative filed suit against the insurer, seeking coverage under the insurer's policy for personal-protection insurance and UIM benefits.

2005

***Mayberry v. Gen. Orthopedics, P.C.*, 704 N.W.2d 69:** A patient sued a surgeon, alleging that his negligence caused the patient to lose some of the use of his wrist. The court ruled unanimously for the plaintiff.

***McClements v. Ford Motor Co.*, 702 N.W.2d 166 (2005):** An employee of a contractor sued the defendant, alleging that its employee sexually harassed her by groping her and making sexual advances. In a 4-2 vote, the court ruled for the defendant.

***Devillers v. Auto Club Ins. Ass'n*, 702 N.W.2d 539:** The insured suffered brain injuries in an accident, and the insurer paid for home health care until the physician said close supervision was not needed. The insured sued to continue receiving the benefits. In a 4-3 vote, the court ruled for the defendant.

In a 4-3 vote, the court ruled for the defendant.

***Dyer v. Trachtman*, 679 N.W.2d 311:** An injured plaintiff sued a physician who examined him, alleging that he forcefully rotated an injured shoulder and reinjured it, leading to additional surgery. The court ruled unanimously for the plaintiff.

***Rory v. Continental Ins. Co.*, 703 N.W.2d 23:** The insureds were in an accident and did not know the other driver was uninsured until they sued him more than a year later, but their UIM policy required the claims be brought within one year. In a 4-2 vote, the court ruled for the defendant.

***Henry v. Dow Chemical Company*, 701 N.W.2d 684:** The plaintiffs sued the defendant for allegedly releasing a toxic chemical, seeking a medical-monitoring fund. In a 5-2 vote, the court ruled for the defendant.

***Woodard v. Custer*, 702 N.W.2d 522:** Parents sued the doctors who treated their newborn son, alleging that a negligently inserted catheter and line caused leg fractures. In a 4-3 vote, the court ruled for the defendants.

***Ghaffari v. Turner Constr. Co.*, 699 N.W.2d 687:** A construction worker

sued a contractor and the owner of the worksite, alleging that an unsafe work area caused him to slip and fall. The court ruled unanimously for the plaintiff.

***Griffith v. State Farm Mut. Auto. Ins. Co.*, 697 N.W.2d 895:** An insured suffered severe injuries in an accident, returned home after years in long-term care facilities, and then sued his insurer for refusing to pay for his care and food while at home. In a 4-3 vote, the court ruled for the defendant.

***Elezovic v. Ford Motor Co.*, 697 N.W.2d 851:** An employee sued her employer, alleging that her manager repeatedly exposed himself and requested oral sex. In a 4-3 vote, the court ruled for the plaintiff.

***Tate v. Botsford Gen. Hosp.*, 696 N.W.2d 684:** A patient sued a hospital, alleging that it falsely imprisoned him by restraining him when he requested to leave. In a 4-3 vote, the court ruled for the defendant.

***Jarrad v. Integon Nat. Ins. Co.*, 696 N.W.2d 621:** The plaintiff was injured and sued his insurer for discounting his no-fault benefits for benefits

under his long-term disability policy. In a 5-2 vote, the court ruled for the defendant.

***Magee v. DaimlerChrysler Corp.*, 693 N.W.2d 166 (2005):** An employee filed a sexual harassment suit against the employer, alleging that she was groped and subjected to sexual advances. In a 5-2 vote, the court ruled for the defendant.

***Ward v. Consolidated Rail Corp.*, 693 N.W.2d 366:** A railroad engineer sued his employer, alleging safety violations after he was injured by a sudden stop caused by a faulty brake. In a 5-2 vote, the court ruled for the defendant.

***Nastal v. Henderson & Associates Invest., Inc.*, 691 N.W.2d 1:** The plaintiff filed a stalking claim against the private investigator hired by the insurer in relation to a personal-injury claim. In a 5-2 vote, the court ruled for the defendant.

***Burton v. Reed City Hosp. Corp.*, 691 N.W.2d 424:** The plaintiff sued the hospital, alleging that he suffered internal injuries during surgery, which required further surgery. In a 5-2 vote, the court ruled for the defendant.

***Starks v. Mich. Welding Specialists, Inc.*, 722 N.W.2d 888:** A plaintiff sued a corporation and won, then seeking to collect the judgment from another corporation that had purchased the initial defendant. In a 6-1 vote, the court ruled for the defendant.

***Cowles v. Bank West*, 719 N.W.2d 94:** A member of a class action added a new, related claim to the cause of action filed over the bank's excessive documentation fees. In a 4-3 vote, the court ruled for the plaintiff.

***Maldonado v. Ford Motor Co.*, 719 N.W.2d 809:** An employee sued her employer for sexual harassment, and the trial judge threw out the case because the plaintiff continued to mention inadmissible evidence. In a 5-2 vote, the court ruled for the defendants.

***Woodard v. Custer*, 719 N.W.2d 842:** Parents sued the doctors who treated their newborn son, alleging that a negligently inserted catheter and line caused leg fractures. The court ruled unanimously for the defendants.

***Cameron v. Auto Club Ins. Ass'n*, 718 N.W.2d 784:** A child was riding his bike when a vehicle struck him, resulting in a cognitive disorder, and his parents sued their insurer for refusing to pay for his treatment. In a 4-3 vote, the court ruled for the insurer.

***Feyz v. Mercy Mem'l Hosp.*, 719 N.W.2d 1:** A doctor sued his employer after he lost his credentials. In a 4-3 vote, the court ruled for the defendant.

***Radeljak v. Daimlerchrysler Corp.*, 719 N.W.2d 40:** Foreign plaintiffs sued after a vehicle manufactured by the defendant allegedly shifted into reverse and plunged into a ravine. In a 6-1 vote, the court ruled for the defendant.

***Greene v. A.P. Products, Ltd.*, 717 N.W.2d 855:** The plaintiff sued the manufacturer of her hair oil, which was allegedly ingested by her infant son, leading to his death. In a 5-2 vote, the court ruled for the defendant.

***Reed v. Breton*, 718 N.W.2d 770:** An estate sued the bar that served alcohol to a drunk driver who killed the decedents. In a 5-1 vote, the court ruled for the defendant.

***Zsigo v. Hurley Medical Center*, 716 N.W.2d 220:** A patient sued the hospital, alleging that the defendant's employee sexually assaulted her in the emergency room. In a 5-2 vote, the court ruled for the defendant.

***Creech v. W.A. Foote Mem'l Hosp., Inc.*, 713 N.W.2d 257:** A patient sued her health care providers after they used instruments that had not been

properly disinfected for a procedure. In a 5-2 vote, the court ruled for the defendant.

***Barrett v. Mt. Brighton, Inc.*, 712**

N.W.2d 154: A patron sued a ski resort after he was injured in a collision with a snowboarding rail. In a 4-3 vote, the court ruled for the defendant.

***Gore v. Flagstar Bank, FSB*, 711 N.W.2d**

330: Borrowers sued their lender after it allegedly reneged on a loan, resulting in foreclosure. In a 4-3 vote, the court ruled for the defendant.

2007

Maloy v. St. John Detroit Riverview

***Hosp.*, 739 N.W.2d 866:** A patient sued his doctor for medical malpractice. The court ruled unanimously for the defendant.

***Long v. Children's Hosp.*, 739 N.W.2d**

83: A patient sued her doctor for medical malpractice. The court ruled unanimously for the plaintiff.

***Trentadue v. Buckler Lawn Sprinkler*,**

738 N.W.2d 664: The estate discovered that 16 years earlier the defendant's employee raped and murdered the decedent while working for her landlord. In a 4-3 vote, the court ruled for the defendant.

***Ostroth v. Warren Regency, G.P., L.L.C.*,**

709 N.W.2d 589: An employee sued an architectural firm that renovated her office, alleging that she was exposed to toxic chemicals and unsafe conditions. The court ruled unanimously for the defendant.

***Behnke v. Auto Owners Ins. Co.*, 708**

N.W.2d 102: An injured driver sued the other driver and his insurer. In a 5-2 vote, the court ruled for the defendant.

***Bates v. Gilbert*, 736 N.W.2d 566:** A

patient sued her eye doctor for malpractice, alleging that he should have tested her for glaucoma. In a 5-2 vote, the court ruled for the defendant.

***Miller v. Ford Motor Co.*, 740 N.W.2d**

206: A woman sued her stepfather's employer, alleging that she contracted lung disease from exposure to asbestos on her stepfather's clothes. In a 4-3 vote, the court ruled for the defendant.

***Vega v. Lakeland Hosps.*, 736 N.W.2d**

561: A mother sued her son's hospital, alleging that its negligence resulted in his permanent mental impairment. The court ruled unanimously for the plaintiff.

Brown v. Brown, 739 N.W.2d 313: A security guard sued the owner of the premises where she worked after one of its employees raped her. In a 4-3 vote, the court ruled for the defendant.

Kirkaldy v. Rim, 734 N.W.2d 201: A patient and spouse sued the patient's doctors for medical malpractice. The court ruled unanimously for the plaintiff.

Washington v. Sinai Hosp., 733 N.W.2d 755: An estate sued a hospital, alleging that the patient died because she did not receive antibiotics. The court ruled unanimously for the defendant.

Muci v. State Farm Mut. Auto. Ins. Co., 732 N.W.2d 88: An insured sued her insurer over a personal-injury claim. In a 4-3 vote, the court ruled for the defendant.

Liss v. Lewiston-Richards, Inc., 732 N.W.2d 514: Landowners sued the home construction company, alleging that the work was incomplete and shoddy. In a 5-2 vote, the court ruled for the defendant.

Al-Shimmari v. Detroit Medical Center, 731 N.W.2d 29: The plaintiff sued the health care provider, alleging that he suffered nerve damage during back surgery. In a 4-3 vote, the court ruled for the defendant.

Apsey v. Mem'l Hosp., 730 N.W.2d 695: A patient sued her surgeons and doctors for medical malpractice, alleging that she had developed sepsis, which required further surgeries. In a 6-1 vote, the court ruled for the plaintiff.

Miller v. Chapman Contracting, 730 N.W.2d 462: The plaintiff mistakenly sued the defendant, rather than its bankruptcy trustee, and sought to amend his complaint. In a 5-2 vote, the court ruled for the defendant.

Johnson v. Henry Ford Hosp., 729 N.W.2d 515: An estate sued a patient's doctors and a hospital and sought to have the justices recuse themselves due to campaign contributions from the defense attorneys. In a 5-2 vote, the court ruled for the defendant.

Perry v. Golling Chrysler Plymouth Jeep, 729 N.W.2d 500: A driver sued a car dealer, alleging it still owned the car which injured him, because the title had not been transferred to the buyer. In a 5-2 vote, the court ruled for the defendant.

Clerc v. Chippewa County War Mem'l Hosp., 729 N.W.2d 221: An estate sued a patient's doctors and a hospital. In a 5-2 vote, the court ruled for the defendants.

Haynes v. Neshewat, 729 N.W.2d 488: A surgeon sued his employer, alleg-

ing that he was the target of racial discrimination from management and his coworkers. The court ruled unanimously for the plaintiff.

***Saffian v. Simmons*, 727 N.W.2d 132:** A patient sued his dentist, alleging malpractice during a root canal. In

a 6-1 vote, the court ruled for the plaintiff.

***Banks v. Exxon Mobil Corp.*, 725 N.W.2d 455:** A customer sued a gas company after one of its fuel pumps ruptured and spewed gas on him. In a 5-2 vote, the court ruled for the plaintiff.

2008

***Moore v. Secura Ins.*, 759 N.W.2d 833:** Insureds sued their insurer over a personal-injury claim after a car struck their vehicle, injuring and reinjuring an insured's knees. In a 4-2 vote, the court ruled for the defendant.

***Ellis v. Farm Bureau Ins. Co.*, 760 N.W.2d 212:** An insured sued her insurer. In a 4-3 vote, the court ruled for the defendant.

***Davis v. Forest River, Inc.*, 760 N.W.2d 215:** A consumer sued two businesses. In a 4-3 vote, the court ruled for the defendants.

***Benefiel v. Auto-Owners Ins. Co.*, 759 N.W.2d 814:** An insured sued his insurer. In a 4-3 vote, the court ruled for the defendant.

***Scott v. State Farm Mut. Auto. Ins. Co.*, 758 N.W.2d 249:** An insured sued her insurer for claims related to her deteriorating health conditions following a car accident that led to skeletal and

brain trauma. In a 4-3 vote, the court ruled for the defendant.

***Young v. Nandi*, 759 N.W.2d 351:** An estate sued the decedent's health care providers for negligence. In a 4-3 vote, the court ruled for the defendant.

***Boodt v. Borgess Medical Center*, 751 N.W.2d 44:** An estate sued for malpractice after the decedent died from heart trouble. In a 4-3 vote, the court ruled for the defendant.

***Stone v. Williamson*, 753 N.W.2d 106:** A patient sued his doctors, alleging that their failure to diagnose an aneurysm resulted in emergency surgery, amputation of his legs, and other complications. The court ruled unanimously for the plaintiff.

***Wright v. Micro Elecs., Inc.*, 752 N.W.2d 466:** An employee sued his employer and others for defamation after they allegedly posted offensive materials. The court ruled unanimously for the defendant.

***White v. Taylor Distrib. Co.*, 753**

N.W.2d 591: An injured driver sued the driver who caused the accident. The court ruled unanimously for the plaintiff.

***Miller v. Allstate Ins. Co.*, 751 N.W.2d**

463: An insured sued an insurer for claims related to injuries from two car accidents. The court ruled unanimously for the plaintiff.

***Cooper v. Auto Club Ins. Ass’n*, 751**

N.W.2d 443: Insureds sued their insurer for claims related to the treatment the mother provided to her daughter after she sustained severe brain injuries in a car accident. The court ruled unanimously for the plaintiff.

***Allison v. Aew Capital Management, L.L.P.*, 751 N.W.2d 8:** The plaintiff sued an apartment-complex manager after slipping on snow in its parking lot and breaking his ankle. In a 5-2 vote, the court ruled for the defendant.

***Kuznar v. Raksha Corp.*, 750 N.W.2d**

121: A patient sued a pharmacy after she was erroneously prescribed pills containing eight times the prescribed dosage and suffered an adverse reaction. The court ruled unanimously for the plaintiff.

***Hall v. Mercy Mem’l Hosp. Corp.*, 747**

N.W.2d 227: The plaintiff sued a hospital. In a 5-2 vote, the court ruled for the defendant.

***Willer v. Titan Ins. Co.*, 747 N.W.2d**

245: An insured sued her insurer. In a 4-3 vote, the court ruled for the defendant.

***Mcdonald v. Farm Bureau Ins. Co.*, 747**

N.W.2d 811: The insured was injured in an accident with an underinsured motorist. In a 4-3 vote, the court ruled for the defendant.

***Ross v. Blue Care Network of Michigan*,**

747 N.W.2d 828: The insured developed cancer of the blood cells, sought immediate treatment after being told he had a week to live, and had his claims denied. In a 5-2 vote, the court ruled for the defendant.

***Latham v. Barton Malow Co.*, 746**

N.W.2d 868: A carpenter sued a construction company after he fell 13 to 17 feet. In a 5-2 vote, the court ruled for the defendant.

***Braverman v. Garden City Hosp.*,**

746 N.W.2d 612: An estate sued the decedent’s health care providers. The court ruled unanimously for the plaintiff.

***Manzella v. State Farm Mut. Auto. Ins. Co.*, 745 N.W.2d 770:**

Insureds sued their insurer. In a 4-3 vote, the court ruled for the defendant.

***Burris v. Allstate Ins. Co.*, 745 N.W.2d**

101: An insured sued his insurer for claims related to his wife’s treatment

of injuries he incurred when he was struck by a drunk driver as a young child. In a 4-3 vote, the court ruled for the defendant.

***Maness v. Carleton Pharm., L.L.C.*, 745 N.W.2d 111:** A patron sued a pharmacy after she slipped and fell on a wet floor. In a 6-1 vote, the court ruled for the plaintiff.

2009

***Andres v. State Farm Mut. Auto. Ins. Co.*, 773 N.W.2d 20:** An insured sued his insurer for refusing to pay his claims for a brain injury because the insurer said that he had committed fraud. In a 6-1 vote, the court ruled for the defendant.

***Henry v. Dow Chem. Co.*, 772 N.W.2d 301:** Residents sued a chemical plant, alleging that a toxic chemical dumped in a river damaged their property. In a 4-3 vote, the court ruled to certify the class.

***Potter v. McLeary*, 774 N.W.2d 1:** A patient sued his doctors, alleging that their misdiagnosis caused a delay in the treatment of his injured spine.

In a 4-3 vote, the court ruled for the plaintiff.

***Bush v. Shabahang*, 772 N.W.2d 272:** A patient sued his surgeons, alleging that he was disabled due to a botched surgery. In a 4-3 vote, the court ruled for the plaintiff.

***Symons v. Prodingner*, 768 N.W.2d 317:** An estate sued the decedent's health care providers. The court ruled unanimously for the plaintiff.

***Romain v. Frankenmuth Mut. Ins. Co.*, 762 N.W.2d 911:** Homeowners sued their insurer over claims related to toxicity and mold. In a 4-3 vote, the court ruled for the plaintiff.

2010

***Martin v. Ledingham*, 791 N.W.2d 122:** A patient sued her physician for medical malpractice. The court ruled unanimously for the plaintiff.

***O'neal v. St. John Hosp. & Med. Ctr.*, 791 N.W.2d 853:** A patient alleged that

the defendant's misdiagnosis and delay in treatment resulted in complications from sickle cell anemia. In a 5-2 vote, the court ruled for the plaintiff.

***Brightwell v. Fifth Third Bank*, 790 N.W.2d 591:** Former employees filed

a racial discrimination suit against an employer. In a 4-3 vote, the court ruled for the plaintiff.

***Edry v. Adelman*, 786 N.W.2d 567:** A patient sued her doctor, alleging that he failed to test a lump that was later diagnosed as breast cancer. In a 5-2 vote, the court ruled for the defendant.

***Holman v. Rasak*, 785 N.W.2d 98:** An estate sued a patient's doctors, alleging that their failure to properly treat the patient caused her death. In a 5-2 vote, the court ruled for the defendant.

***Pellegrino v. Ampco Sys. Parking*, 785 N.W.2d 45:** A widower sued an airport-parking company after his wife died in an accident in its shuttle van. In a 5-2 vote, the court ruled for the defendant.

***Woodman v. Kera LLC*, 785 N.W.2d 1:** A mother sued the owner of an indoor play area after her 5-year-old son jumped off a slide and broke his leg. The court ruled unanimously for the plaintiff.

***Janson v. Sajewski Funeral Home, Inc.*, 782 N.W.2d 201:** A patron sued a funeral home after she slipped on ice outside of its building. In a 4-3 vote, the court ruled for the defendant.

***DeCosta v. Gossage*, 782 N.W.2d 734:** A patient sued her doctors after she lost her eyesight following cataract

surgery. In a 4-3 vote, the court ruled for the plaintiff.

***Kachudas v. Invaders Self Auto Wash, Inc.*, 781 N.W.2d 806:** A patron sued a car wash after he slipped on ice at its premises and was injured. In a 4-3 vote, the court ruled for the defendant.

***Dadd v. Mount Hope Church & Int'l Outreach Ministries*, 780 N.W.2d 763:** A parishioner sued her church after she fell and was injured while being "slain in the spirit," and she sought to add a defamation claim to her suit after the church criticized her lawsuit and her character. In a 5-2 vote, the court ruled for the defendant.

***Dawe v. Dr. Reuven Bar-Levav & Assocs., P.C.*, 780 N.W.2d 272:** A patient sued her psychiatrists after she was injured when a former patient fired a gun into a room where she was receiving therapy. The court ruled unanimously for the plaintiff.

***Berkeypile v. Westfield Ins. Co.*, 779 N.W.2d 793:** An insured sued her insurer for UIM benefits. In a 5-2 vote, the court ruled for the defendant.

***Salt v. Gillespie*, 777 N.W.2d 431:** Family members sued a drunk driver and the bars that sold him alcohol before he caused a fatal accident. In a 5-2 vote, the court ruled for the plaintiff.

***Jones v. Detroit Med. Ctr.*, 806 N.W.2d**

304: Family members sued a hospital that treated a deceased patient. In a 4-3 vote, the court ruled for the defendant.

***Frazier v. Allstate Ins. Co.*, 808 N.W.2d**

450: An insured sued her insurer for coverage of injuries sustained when she slipped on ice while closing the door of her car. In a 4-3 vote, the court ruled for the defendant.

***Estate of Jilek v. Stockson*, 805 N.W.2d**

852: Family members sued the health care providers that treated a deceased patient. In a 4-3 vote, the court ruled for the defendant.

***McCue v. O-N Minerals (Mich.) Co.*, 805**

N.W.2d 837: An injured bicyclist sued a mining company, alleging that it damaged a road on which she fell. In a 4-3 vote, the court ruled for the defendant.

***Driver v. Naini*, 802 N.W.2d 311:**

A patient sued his doctors for failing to respond to abnormal test results two years before he was diagnosed with cancer. In a 4-3 vote, the court ruled for the defendant.

***Krohn v. Home-Owners Ins. Co.*, 802**

N.W.2d 281: An insured sued his insurer for coverage of an experimental surgery performed in Portugal. In a 4-3 vote, the court ruled for the defendant.

***Ligons v. Crittenton Hosp.*, 803**

N.W.2d 271: A patient's family sued a hospital after the patient died from complications from a perforated colon following a colonoscopy. In a 4-3 vote, the court ruled for the defendant.

***Loweke v. Ann Arbor Ceiling & Partition Co., L.L.C.*, 809 N.W.2d 553:**

An injured electrician sued a dry-wall subcontractor, alleging that its negligence led to his injury. The court ruled unanimously for the plaintiff.

***Vinson v. ABN AMRO Mortg. Group, Inc.*, 796 N.W.2d 263:**

An employee sued her employer for disability discrimination after her employer fired her with the intent to replace her with someone who did not have to work from home. The court ruled unanimously for the plaintiff.

***Bowens v. ARY, Inc.*, 794 N.W.2d 842:**

Plaintiffs sued concert organizers and promoters, alleging that they secretly recorded a conversation between the parties. In a 6-1 vote, the court ruled for the defendants.

***Jones v. DaimlerChrysler Corp.*, 793**

N.W.2d 242: An employee of a subcontractor sued the owner of the worksite after the employee was injured. In a 5-2 vote, the court ruled for the defendant.

***Hill v. Sears, Roebuck & Co.*, 822**

N.W.2d 190: Homeowners sued retailers, a delivery company, and an installation company, alleging that their failure to cap a gas line caused an explosion in their home. In a 6-1 vote, the court ruled for the defendants.

***Hoffner v. Lanctoe*, 821 N.W.2d 88:** A patron sued a fitness center after she slipped and fell on ice on its sidewalk. In a 5-2 vote, the court ruled for the defendants.

***Douglas v. Allstate Ins. Co.*, 821**

N.W.2d 472: A bicyclist injured in a hit and run sued his insurer for coverage of caretaker services provided by his wife. In a 4-3 vote, the court ruled for the defendant.

***Velez v. Tuma*, 821 N.W.2d 432:** A

patient sued her doctors and hospital, alleging that a delay in operating on her leg led to its amputation. In a 5-2 vote, the court ruled for the defendant.

***Johnson v. Pastoriza*, 818 N.W.2d**

279: A patient sued her doctors after she suffered a miscarriage, alleging that it was caused by their failure to perform a procedure she requested. In a 6-1 vote, the court ruled for the defendants.

***Joseph v. Auto Club Ins. Ass'n*, 815**

N.W.2d 412: An insured sued his insurer for benefits for claims dating back from the date of an accident 32 years ago. In a 4-3 vote, the court ruled for the defendant.

Illinois

The vast majority of judicial elections in Illinois have largely avoided the flood of special-interest money. In 2000 and 2004, however, candidates for the high court spent \$8 million and \$9 million, respectively. Elections in other years only saw candidates spending \$1 million or \$2 million. The court is not as politicized as the other courts studied, and its decisions are less predictable. High court judges are elected by district, and liberal candidates have usually prevailed in urban districts, while conservative candidates have been successful in rural districts. This means that the ideological leaning of the court has remained fairly consistent. The court ruled in favor of corporate defendants in 58 of the 112 cases in the data set.

2002

***Clemons v. Mechanical Devices Co.*, 781 N.E.2d 1072:** An employee alleged that she was fired in retaliation for a workers' compensation claim. In a 4-3 vote, the court ruled for the plaintiff.

***Unzicker v. Kraft Food Ingredients Corp.*, 783 N.E.2d 1024:** An employee slipped on a pipe and injured himself at the defendant's plant. In a 6-1 vote, the court ruled for the defendant.

***Brugger v. Joseph Academy, Inc.*, 781 N.E.2d 269:** Parents sued a private school, alleging that its negligence resulted in their daughter's knee injury. The court ruled unanimously for the plaintiff.

***Carter-Shields v. Alton Health Institute*, 777 N.E.2d 948:** A doctor sued his employer to have his noncompete agreement declared unenforceable.

The court ruled unanimously for the plaintiff.

***Jarvis v. South Oak Dodge, Inc.*, 773 N.E.2d 641:** The lessees of a car sued a dealer and lender, alleging that the dealer's salesperson falsely told them they could purchase the car after leasing it. The court ruled unanimously for the defendant.

***Robidoux v. Oliphant*, 775 N.E.2d 987:** A widow sued her husband's doctors and a hospital, alleging that their negligence in treating him caused his death after a motorcycle accident. In a 5-2 vote, the court ruled for the defendants.

***Oliveira v. Amoco Oil Co.*, 776 N.E.2d 151:** A customer sued a gas company for false advertising related to its claims about high-octane gas. In a 6-1 vote, the court ruled for the defendant.

***Sollami v. Eaton*, 772 N.E.2d 215:**

Parents sued homeowners and the maker of a trampoline on which their child was injured while at the homeowners' home. In a 5-2 vote, the court ruled for the defendants.

***Robinson v. Toyota Motor Credit Corporation*, 775 N.E.2d 951:** Car lessees sued the lessors over the terms of its leases. The court ruled unanimously for the plaintiffs.

***Lauer v. American Family Life Insurance Company*, 769 N.E.2d 924:**

A beneficiary sued her husband's life insurer for refusing to pay her claim because her husband had failed to disclose his cancer diagnosis on his application. The court ruled unanimously for the defendant.

***Happel v. Wal-Mart Stores, Inc.*, 766 N.E.2d 1118:** A patient sued her pharmacy after she was prescribed drugs to which she was allergic. The court ruled unanimously for the plaintiff.

***Donaldson v. Central Illinois Public Service Company*, 767 N.E.2d 314:** Parents sued a gas company and its contractors, alleging that their children contracted cancer from toxic chemicals released while cleaning up a toxic-waste site. The court ruled unanimously for the plaintiffs.

***Reda v. Advocate Health Care*, 765 N.E.2d 1002:** A patient sued his hos-

pital and surgeons, alleging that their failure to diagnose and treat a condition in a timely manner resulted in the amputation of his toes, disability, and other severe problems. The court ruled unanimously for the plaintiff.

***Carroll v. Paddock*, 764 N.E.2d 1118:**

Parents sued the hospital and doctors who treated their son after he killed himself soon after treatment. The court ruled unanimously for the plaintiffs.

***Hansen v. Baxter Healthcare Corporation*, 764 N.E.2d 35:** Family members sued the maker of an IV tube that became detached from the patient's catheter and caused brain damage and paralysis. The court ruled unanimously for the plaintiff.

***Glenn v. Johnson*, 764 N.E.2d 47:** A widow sued her husband's employer after he was killed when his truck flipped over. The court ruled unanimously for the defendant.

***Simmons v. Garces*, 763 N.E.2d 720:** Parents sued a doctor, alleging that he failed to treat the dehydration that killed their infant. The court ruled unanimously for the defendant.

***Dillon v. Evanston Hosp.*, 771 N.E.2d 357:** A patient sued the hospital after a piece of a catheter was left in her chest and migrated to her heart. In a 6-1 vote, the court ruled for the defendant.

2003

***Lee v. John Deere Ins. Co.*, 802 N.E.2d**

774: An insured's estate sued an insurer for UIM coverage, alleging that the insurer did not offer UIM coverage as required by law. The court ruled unanimously for the plaintiff.

***Allen v. Woodfield Chevrolet, Inc.*, 802 N.E.2d**

752: A car buyer sued the dealer, alleging false advertising on prices. In a 5-2 vote, the court ruled for the plaintiff.

***Dawdy v. Union Pacific RR Co.*, 797**

N.E.2d 687: The plaintiff sued the defendant after its truck driver crashed into his vehicle. In a 6-1 vote, the court ruled for the defendant and changed the venue.

***Brandt v. Boston Sci. Corp.*, 792 N.E.2d**

296: A patient sued a hospital after a surgical implant caused severe complications. The court ruled unanimously for the plaintiff.

***Vicencio v. Lincoln-Way Builders, Inc.*, 789 N.E.2d**

290: The plaintiff prevailed in a personal-injury suit and sought

attorneys fees. In a 5-2 vote, the court ruled for the defendant.

***Snelson v. Kamm*, 787 N.E.2d**

796: A patient sued his doctors after complications in surgery led to the removal of most of his intestines. The court ruled unanimously for the plaintiff.

***Eads v. Heritage Enterprises, Inc.*, 787**

N.E.2d 771: A patient sued a nursing home after she fell, alleging that nursing home employees should not have allowed her to walk to the bathroom unattended. In a 5-2 vote, the court ruled for the plaintiff.

***Guillen v. Potomac Ins. Co.*, 785 N.E.2d**

1: A family sued their landlord's insurer over a claim for their child's lead poisoning. The court ruled unanimously for the plaintiff.

***Johnson v. United Airlines*, 784**

N.E.2d 812: Family members sued an airline and airplane maker after the decedents died in a plane crash on a runway. The court ruled unanimously for the plaintiffs.

2004

***Dardeen v. Kuehling*, 821 N.E.2d**

227: An injured guest sued homeowners and their home insurer after the guest tripped on a sidewalk, and the suit alleged that

the insurer should have advised the homeowners not to remove the bricks on which the plaintiff tripped. The court ruled unanimously for the defendant.

***Collins v. Lake Forest Hosp.*, 821**

N.E.2d 316: A patient's widow and children sued a hospital and doctor for removing the patient's life support just minutes before they arrived at his hospital bed. The court ruled unanimously for the defendant.

***Young v. Bryco Arms*, 821 N.E.2d**

1078: Family members of victims of Chicago gun violence sued gun makers and dealers, seeking to hold them responsible for minors obtaining illegal guns. The court ruled unanimously for the defendants.

***Sullivan v. Eichmann*, 820 N.E.2d 449:**

A patient sued her surgeon for medical malpractice after she experienced complications following abdominal surgery. The court ruled unanimously for the plaintiff.

***Borowiec v. Gateway 2000, Inc.*, 808**

N.E.2d 957: A computer purchaser sued the manufacturer, alleging defects and warranty violations. In a 5-2 vote, the court ruled to compel arbitration.

***Adams v. Northern Illinois Gas Co.*, 809**

N.E.2d 1248: A customer sued a gas company after her home exploded and burned. In a 4-3 vote, the court ruled for the plaintiff.

***Jenkins v. Lee*, 807 N.E.2d 411:** A

widow sued mental-health care providers after her husband was released from their care and then committed suicide. The court ruled unanimously for the plaintiff.

***Sullivan v. Edward Hosp.*, 806 N.E.2d**

645: A patient sued a nursing home after he fell from his bed. In a 6-1 vote, the court ruled for the defendant.

***Shannon v. Boise Cascade Corp.*, 805**

N.E.2d 213: Homeowners sued the maker of siding, alleging that its products were prone to warping and rotting. The court ruled unanimously for the defendant.

***Weiss v. Waterhouse Secs., Inc.*, 804**

N.E.2d 536: Clients filed a class-action suit against an investment firm over problems accessing his account. The court ruled unanimously for the plaintiff.

***Bajwa v. Metro. Life Ins. Co.*, 804**

N.E.2d 519: A widow sued her husband's life insurer, alleging that it negligently allowed her husband's killer to take out a policy for her husband and name himself as the beneficiary. The court ruled unanimously for the defendant.

***Price v. Philip Morris, Inc.*, 848 N.E.2d**

1: Plaintiffs sued the cigarette company for fraud in advertising “low tar” cigarettes. In a 5-2 vote, the court ruled for the defendant.

Gridley v. State Farm Mut. Auto. Ins.

Co., 840 N.E.2d 269: An insured filed a class-action suit against an insurer, alleging that it sold totaled vehicles at an auction. The court ruled unanimously for the defendant.

***Bowman v. Am. River Transp. Co.*, 838**

N.E.2d 949: An injured sailor sued his employer, alleging an unsafe workplace. The court ruled unanimously for the defendant.

***Corral v. Mervis Indus.*, 839 N.E.2d**

524: A widow sued the scrap yard where her husband was employed when he was killed in an accident. The court ruled unanimously for the plaintiff.

***Barragan v. Casco Design Corp.*, 837**

N.E.2d 16: A brother sued a construction company after his brother died while working there. The court ruled unanimously for the defendant.

***Avery v. State Farm Mut. Auto. Ins. Co.*, 835 N.E. 2d 801:**

The insureds filed a class-action suit, alleging that their insurer defrauded them by specifying

inferior parts to repair their cars. In a 5-2 vote, the court ruled for the defendant.

***Arthur v. Catour*, 833 N.E.2d 847:**

An injured patron sued an auction company and a landowner after she fell in a hole and injured herself at an auction. In a 6-1 vote, the court ruled for the plaintiff.

***Gillen v. State Farm Mut. Auto. Ins. Co.*, 830 N.E.2d 575:**

An insured’s estate sued an insurer over UIM benefits for injuries sustained while the insured worked as an emergency medical technician, or EMT. The court ruled unanimously for the plaintiff.

***King v. First Capital Fin. Servs. Corp.*, 828 N.E.2d 1155:**

Borrowers sued their mortgage lenders over fees charged for document preparation. The court ruled unanimously for the defendants.

***Blue v. Env’tl. Eng’g, Inc.*, 828 N.E.2d**

1128: A consumer sued the maker of a trash compactor that injured him when he stuck his foot in it. In a 6-1 vote, the court ruled for the plaintiff.

***Hobbs v. Hartford Ins. Co.*, 823 N.E.2d**

561: Insureds sued their insurer for UIM benefits. The court ruled unanimously for the defendant.

***Krautsack v. Anderson*, 861 N.E.2d**

633: A consumer sued a travel agency after she was dissatisfied with a trip it organized, lost the suit, and faced a request for attorneys fees from the agency. In a 5-1 vote, the court ruled for the plaintiff.

***Smith v. Ill. Cent. R.R. Co.*, 860 N.E.2d**

332: Residents sued a railroad company after a train derailment resulted in the release of hazardous chemicals into the ground and the air. The court ruled unanimously to decertify the class.

***Kinkel v. Cingular Wireless, LLC*,**

857 N.E.2d 250: Consumers filed a class-action suit against a cell-phone service provider over a \$150 fee for terminating a contract. The court ruled unanimously for the plaintiffs.

***Marshall v. Burger King Corp.*, 856**

N.E.2d 1048: A patron's family sued a restaurant after he was killed when a car crashed through the restaurant. In a 5-2 vote, the court ruled for the plaintiff.

***York v. Rush-Presbyterian-St. Luke's*,**

854 N.E.2d 635: A patient sued the

hospital, alleging that it negligently administered an epidural during knee surgery, causing spinal damages. In a 6-1 vote, the court ruled for the plaintiff.

***Wisniewski v. Kownacki*, 851 N.E.2d**

1243: A parishioner sued a church and a priest, alleging that the priest had sexually abused him. The court ruled unanimously for the defendants.

***Melena v. Anheuser-Busch, Inc.*, 847**

N.E.2d 99: An employee sued her employer after allegedly being fired in retaliation for filing a workers' compensation claim. In a 6-1 vote, the court ruled to compel arbitration.

Langenhorst v. Norfolk Southern Ry.

Co., 848 N.E.2d 927: A widow sued the defendant after its train collided with her husband's truck and killed him. In a 4-3 vote, the court ruled for the plaintiff.

***Razor v. Hyundai Motor America*, 854**

N.E.2d 607: A car buyer sued the manufacturer for breach of warranty after the car repeatedly failed to start. In a 5-2 vote, the court ruled for the plaintiff.

***Brucker v. Mercola*, 886 N.E.2d 306:**

A patient sued her doctor and his practice after they sold her the wrong herbal supplement, which allegedly caused her to become violently ill and harmed her unborn baby. In a 6-1 vote, the court ruled for the plaintiff.

Orlak v. Loyola University Health

***System*, 885 N.E.2d 999:** A patient sued the hospital after he contracted hepatitis C from a blood transfusion. In a 5-1 vote, the court ruled for the defendant.

***Case v. Galesburg Cottage Hosp.*, 880**

N.E.2d 171: A patient sued a hospital for medical malpractice, withdrew her complaint, and then refiled it. The court ruled unanimously for the plaintiff.

***Townsend v. Sears, Roebuck & Co.*, 879**

N.E.2d 893: Parents sued the retailer and the maker of a lawn mower after the father ran over and severed the feet of his 3-year-old son while he was moving in reverse. The court ruled unanimously for the defendant.

***Heastie v. Roberts*, 877 N.E.2d 1064:**

A patient sued a hospital and its employees after he was injured in a fire while restrained and intoxicated in an ER. The court ruled unanimously for the plaintiff.

***Rich v. Principal Life Ins. Co.*, 875**

N.E.2d 1082: An injured employee sued his disability insurer, seeking benefits for an infection that resulted from a work-related injury. The court ruled unanimously for the defendant.

***Mydlach v. DaimlerChrysler Corp.*,**

875 N.E.2d 1047: A car buyer sued a carmaker, alleging that it breached its warranty. The court ruled unanimously for the defendant.

***Philip Morris Usa, Inc. v. Byron*, 876**

N.E.2d 645: The plaintiffs filed a class action against the cigarette company for allegedly deceptive marketing practices, claiming that the words “lights” and “lowered tar and nicotine” led them to believe that the cigarettes would be less hazardous. In a 4-2 vote, the court ruled for the defendants.

Dowling v. Chicago Options

***Associates, Inc.*, 875 N.E.2d 1012:** The plaintiff was awarded damages in a breach of contract suit and sought to collect. In a 4-3 vote, the court ruled for the defendant.

***Calles v. Scripto-Tokai Corp.*, 864**

N.E.2d 249: A child’s estate sued the maker of a lighter that the 3-year-old child allegedly used to start the fire that killed her. The court ruled unanimously for the plaintiff.

Forsythe v. Clark USA, Inc., 864 N.E.2d 227: A widow sued her husband's employer after he died in an oil refinery explosion. The court ruled unanimously for the plaintiff.

2008

Mikolajczyk v. Ford Motor Co., 901 N.E.2d 329: The decedent was killed when a car being driven at 60 miles per hour by a drunk driver smashed into the rear of the decedent's vehicle while he was stopped at a red light. The decedent's estate sued the maker of the decedent's car, alleging the car was defective. In a 5-1 vote, the court ruled for the defendant.

Ioerger v. Halverson Const. Co., Inc., 902 N.E.2d 645: Ironworkers and the family of a deceased ironworker sued their employer after a platform they were working on collapsed, injuring three and killing one. In a 6-1 vote, the court ruled for the defendant.

Ready v. United/Goedecke Services, Inc., 905 N.E.2d 725: A widow brought a wrongful-death suit after a falling wooden truss killed her husband at his jobsite. In a 4-2 vote, the court ruled for the plaintiff.

Taylor v. Pekin Ins. Co., 899 N.E.2d 251: An employee sued his employer's insurer after it discounted his UIM

Bagent v. Blessing Care Corp., 862 N.E.2d 985: A patient sued a hospital and its employee after the employee disclosed her medical information to a third party. The court ruled unanimously for the defendant.

claim from his workers' compensation award. The court ruled unanimously for the defendant.

Applebaum v. Rush Univ. Med. Ctr., 899 N.E.2d 262: An estate sued a patient's hospital and doctors, alleging that their negligence caused the patient's death. The court ruled unanimously for the plaintiff.

O'Casek v. Children's Home and Aid Soc., 892 N.E.2d 994: The plaintiff brought a medical-malpractice suit but had the claims dismissed. In a 4-3 vote, the court ruled for the plaintiff.

Barth v. State Farm Fire & Cas. Co., 886 N.E.2d 976: An insured sued his insurer over a claim for a fire that destroyed his home. The court ruled unanimously for the defendant.

Karas v. Strevell, 884 N.E.2d 122: A father sued hockey associations after two players "bodychecked" and injured his son. The court ruled unanimously for the defendant.

***Porter v. Decatur Mem. Hosp.*, 882**

N.E.2d 583: A patient sued his hospital and doctors for allegedly negligent treatment of a spinal injury, which led

to the loss of the function of his legs. The court ruled unanimously for the plaintiff.

2009

***De Bouse v. Bayer AG*, 922 N.E.2d**

309: A patient filed a class-action suit against drug makers after she took a drug that was later withdrawn from the market for causing a degenerative muscle condition. In a 6-1 vote, the court ruled for the defendant.

***Kean v. Wal-Mart Stores, Inc.*, 919**

N.E.2d 926: Consumers sued a retailer after it charged them sales taxes for online purchases. The court ruled unanimously for the defendant.

***Thornton v. Garcini*, 928 N.E.2d 804:** A mother sued her doctor after her son died during childbirth and the doctor did not arrive at the hospital until an hour after the death. The court ruled unanimously for the plaintiff.

***Tedrick v. Cmty. Res. Ctr., Inc.*, 920**

N.E.2d 220: A wife's family members sued health care providers that had treated the decedent's husband who later killed his wife, alleging that the health care providers failed to warn her of his violent acts. The court ruled unanimously for the defendants.

***Doe v. Diocese of Dallas*, 917 N.E.2d**

475: A former student sued a priest

and a church for childhood sexual abuse. The court ruled unanimously for the defendant.

***Turner v. Mem'l Med. Ctr.*, 911 N.E.2d**

369: An employee sued his employer, alleging that he was fired for discussing the hospital's practice with an accrediting organization. The court ruled unanimously for the defendant.

***Landis v. Marc Realty, L.L.C.*, 919**

N.E.2d 300: Tenants sued their landlord, alleging that the landlord had failed to return their security deposit and pay them interest. In a 5-2 vote, the court ruled for the defendant.

***Nolan v. Weil-McLain*, 910 N.E.2d 549**

(2009): A widow sued a manufacturer after her late husband developed mesothelioma from exposure to products containing asbestos at work. In a 5-1 vote, the court ruled for the defendant.

***Blount v. Stroud*, 904 N.E.2d 1:** An

employee sued her employer and her manager for allegedly retaliating against her for testifying in a coworker's sexual harassment suit. The court ruled unanimously for the plaintiff.

2010

***Ready v. United/Goedecke Servs.*, 939 N.E.2d 417:** A widow sued a contractor after its scaffolding fell on her husband while he was working, killing him. The court ruled unanimously for the plaintiff.

***Vancura v. Katris*, 939 N.E.2d 328:** An investor sued a notary public and his employer, alleging that the notary colluded in the forging of his signature. The court ruled unanimously for the defendant.

***Carter v. SSC Odin Operating Co.*, 927 N.E.2d 1207:** A patient's family sued a nursing home, alleging that its negligence injured the patient and resulted in his death. The court ruled unanimously to compel arbitration.

***Simmons v. Homatas*, 925 N.E.2d 1089:** Family members sued the strip

club that threw out a drunk person, put him in a car, and ordered him to leave, and the drunk person then caused a fatal accident. In a 5-2 vote, the court ruled for the plaintiffs.

***Lebron v. Gottlieb Mem'l Hosp.*, 930 N.E.2d 895:** A mother filed a medical-malpractice suit on behalf of her daughter, who had suffered severe neurological damage during her birth by C-section at the defendant hospital. In a 4-2 vote, the court ruled for the plaintiff and held unconstitutional a cap on noneconomic damages in medical-malpractice actions.

***Lazenby v. Mark's Constr., Inc.*, 923 N.E.2d 735:** Firefighters sued a contractor after they were injured while fighting a fire at a home under construction. The court ruled unanimously for the defendant.

2011

***Jablonski v. Ford Motor Co.*, 955 N.E.2d 1138:** A son and an injured widow sued a carmaker after another car slammed into the decedent's car, the fuel tank was punctured, and the car exploded. The court ruled unanimously for the defendant.

***Studt v. Sherman Health Sys.*, 951 N.E.2d 1131:** A patient sued a hospital after it failed to diagnose her with

appendicitis, alleging that its failure led to her appendix rupturing two days later. The court ruled unanimously for the plaintiff.

***Sheffler v. Commonwealth Edison Co.*, 955 N.E.2d 1110:** Consumers sued a power company, alleging damages related to power outages. The court ruled unanimously for the defendant.

Clark v. Children's Mem. Hosp., 955 N.E.2d 1065: Parents sued their doctor and a hospital, alleging that they failed to inform them of genetic test results that would have convinced them not to have a second child due to the risk of disabilities. The court ruled unanimously for the plaintiffs.

Vincent v. Alden-Park Strathmoor, Inc., 948 N.E.2d 610: A family member sued a nursing home after a resident allegedly died from inadequate care. The court ruled unanimously for the defendant.

Barber v. Am. Airlines, Inc., 948 N.E.2d 1042: A consumer filed a class-action

suit against an airline after it cancelled her flight but refused to refund her check-bag fee. The court ruled unanimously for the defendant.

Kaufmann v. Schroeder, 946 N.E.2d 345: A patient sued her doctor after he sexually assaulted her while she was sedated. In a 5-2 vote, the court ruled for the plaintiff.

Carr v. Gateway, Inc., 944 N.E.2d 327: Computer buyers filed a class-action suit against a computer maker, alleging that it deceptively marketed the speed of its computer processors. The court unanimously declined to compel arbitration.

2012

Cooney v. Rossiter, 2012 IL 113227: A woman sued a psychiatrist over a report he provided in a custody dispute with her former husband. The court ruled unanimously for the defendant.

Fennell v. Ill. Cent. R.R. Co., 2012 IL 113812: An injured employee sued his employer for exposure to asbestos. In a 5-1 vote, the court ruled for the defendant.

Wilson v. Edward Hosp., 981 N.E.2d 971: Parents sued their son's doctors after their son vomited into his lungs during surgery, resulting in a brain

injury. The court ruled unanimously for the plaintiffs.

Martin v. Keeley & Sons, Inc., 979 N.E.2d 22: Injured employees sued their employer after it destroyed a concrete I-beam that had fallen on the employees, alleging that the employer had destroyed evidence of its negligence. In a 6-1 vote, the court ruled for the defendant.

Lawlor v. N. Am. Corp. of Ill., 983 N.E.2d 414: A former employee sued her employer for invasion of privacy after it hired an investigator to determine whether she was violating a

noncompete agreement. In a 6-1 vote, the court ruled for the plaintiff.

Choate v. Ind. Harbor Belt R.R. Co., 980 N.E.2d 58: A child sued railroad companies after he was injured when his foot was caught under a wheel as he tried to jump onto a moving train. In a 6-1 vote, the court ruled for the defendant.

Carter v. SSC Odin Operating Co., LLC, 976 N.E.2d 344: Family members sued a nursing home, alleging that its negligence resulted in the resident's health problems and death. The court unanimously declined to compel arbitration.

Santiago v. E.W. Bliss Co., 973 N.E.2d

858: An injured employee sued the maker of a punch press on which he was severely injured. In a 4-2 vote, the court ruled for the plaintiff.

Simpkins v. CSX Transp., 965 N.E.2d

1092: Prior to her death, the decedent sued her husband's employer, alleging that she was harmed from exposure to asbestos on her husband's clothing, and she died while the case was pending. In a 4-1 vote, the court ruled for the plaintiff.

Powell v. Dean Foods Co., 965 N.E.2d

404: Family members sued a truck driver and his employer after the driver collided with another vehicle and its occupants were killed. The court ruled unanimously for the plaintiff.

Pennsylvania

Though Pennsylvania has consistently seen expensive high court elections, its high court remains closely divided between pro-corporate and pro-plaintiff judges. Of the 100 cases in the data set, 52 resulted in a ruling for the corporate defendant.

2002

***Strickler v. Desai*, 813 A.2d 650:**

Parents sued their son's doctor for failing to diagnose neurological disease and a brain tumor. In a 5-1 vote, the court ruled for the defendant.

***Gerrow v. John Royle & Sons*, 813**

A.2d 778: An injured employee sued the maker of equipment from which molten rubber exploded, injuring him. In a 5-1 vote, the court ruled for the plaintiff.

***Wolloch v. Aiken*, 815 A.2d 594:** A patient sued her doctors, alleging that their failure to diagnose her tumor caused permanent disability. The court ruled unanimously for the defendant.

***Ryan v. Berman*, 813 A.2d 792:** A patient sued her doctors, alleging that they failed to diagnose a hormonal disorder that later required the removal of her kidney. The court ruled unanimously for the defendant.

***Armbruster v. Horowitz*, 813 A.2d 698:** A patient sued a dentist for medical malpractice. In a 4-2 vote, the court ruled for the defendant.

***Atcovitz v. Gulph Mills Tennis Club*, 812**

A.2d 1218: A patron sued a tennis club after he suffered a stroke, alleging that it should have had a defibrillator. In a 5-2 vote, the court ruled for the defendant.

***Bell v. Slezak*, 812 A.2d 566:** A patient sued his doctor for medical malpractice. In a 5-2 vote, the court ruled for the plaintiff.

***Chow v. Rosen*, 812 A.2d 587:** Parents sued their doctors, alleging that their negligence in delivering the plaintiffs' son resulted in permanent nerve damage. In a 5-2 vote, the court ruled for the plaintiff.

***Hess v. Gebhard & Co.*, 808 A.2d 912:**

An employee sued to terminate his noncompete contract after his employer came under new ownership, which fired him. In a 5-2 vote, the court ruled for the plaintiff.

Valles v. Albert Einstein Medical

***Center*, 805 A.2d 1232:** An estate sued the hospital after the decedent died from surgery complications. In a 4-2 vote, the court ruled for the defendant.

Burstein v. Prudential Property and Cas., 809 A.2d 204: Insureds sought UIM benefits for injuries sustained in a company car. In a 4-1 vote, the court ruled for the insurer.

Montgomery v. Bazaz-Sehgal, 798 A.2d 742: A patient sued his surgeon, alleging that the surgeon placed an

implant in the plaintiff during surgery without telling him first. The court ruled unanimously for the plaintiff.

Lewis v. Erie Ins. Exch., 793 A.2d 143: Insureds sued their insurer, alleging that its policy terms were illegal. The court ruled unanimously for the defendant.

2003

Grady v. Frito-Lay, Inc., 839 A.2d 1038: A consumer sued the maker of tortilla chips after a chip allegedly tore his esophagus. The court ruled unanimously for the defendant.

Phillips v. Cricket Lighters, 841 A.2d 1000: A 2-year-old started a fire that killed him and his family with a lighter that was made and distributed by the defendants. The estates sued. In a 6-1 vote, the court ruled for the plaintiffs.

Zane v. Friends Hosp., 836 A.2d 25: A patient sued a hospital and another patient after he drugged, kidnapped, and sexually assaulted the plaintiff for several days. The court ruled unanimously for the defendant and ruled inadmissible the other patient's hospital records.

Mishoe v. Erie Ins. Co., 824 A.2d 1153: The insured was injured in a crash with an underinsured driver and sought UIM benefits. In a 3-2 vote, the court ruled for the defendant.

Toogood v. Owen J. Rogal, 824 A.2d 1140: A patient sued his doctors after his lung collapsed following a procedure. In a 6-1 vote, the court ruled for the defendants.

Lloyd v. Medical Professional Liability Catastrophe Loss Fund, 821 A.2d 1230: An estate filed a medical-malpractice suit after the decedent died from a sedative overdose. In a 4-2 vote, the court ruled for the defendant.

Sharpe v. St. Luke's Hosp., 821 A.2d 1215: An employee sued a hospital after receiving a false positive result on a drug test. The court ruled unanimously for the plaintiff.

Claudio v. Dean Mach. Co., 831 A.2d 140: An employee sued the maker of a machine on which he was working when he had an accident that caused him to lose four fingers. The court ruled unanimously for the plaintiff.

***Stanton v. Lackawanna Energy, Ltd.*, 886 A.2d 667:** Parents sued a landowner, alleging that their son's motor-bike accident was caused when the landowner closed and locked a gate that was normally open. The court ruled unanimously for the defendant.

***Estate of Harsh v. Petroll*, 887 A.2d 209:** A family's estates sued a truck driver and carmaker after the family was killed when a truck collided with their car. The court ruled unanimously for the plaintiffs.

***Swords v. Harleysville Ins. Cos.*, 883 A.2d 562:** An insured sued his insurer after it refused to pay a claim for his son's accident in the insured's car. The court ruled unanimously for the defendant.

***Phillips v. Cricket Lighters*, 883 A.2d 439:** A two-year-old started a fire that killed him and his family with a lighter that was made and distributed by the defendants, and the estates sued. The court ruled unanimously for the defendants.

***Rothrock v. Rothrock Motor Sales, Inc.*, 883 A.2d 511:** An employee sued his employer after the employee was allegedly fired for refusing to convince his son, a co-worker, to waive his right

to workers' compensation after an injury. The court ruled unanimously for the plaintiff.

***Straub v. Cherne Indus.*, 880 A.2d 561:** An injured employee sued the maker of equipment that exploded and injured him. The court ruled unanimously for the plaintiff.

***Fine v. Checcio*, 870 A.2d 850:** Patients sued their dentist, alleging that they had permanent nerve damage from a procedure to remove their wisdom teeth. The court ruled unanimously for the plaintiffs.

***Reutzel v. Douglas*, 870 A.2d 787:** A patient sued his surgeon after a screw was placed in his back incorrectly, which aggravated a pre-existing condition. The court ruled unanimously for the plaintiff.

***Hutchison v. Luddy*, 870 A.2d 766:** Parents sued a church after their children were sexually abused. The court ruled unanimously for the plaintiffs.

***Pratt v. St. Christopher's Hosp.*, 866 A.2d 313:** Parents sued the hospital that treated their son, alleging that its failure to diagnose a rare infection led to brain damage. In a 7-1 vote, the court ruled for the plaintiffs.

Zappala v. Brandolini Prop. Mgmt.,

909 A.2d 1272: An injured employee sued the defendants after she fell into a hole at a construction site that was obscured by leaves. In a 5-2 vote, the court ruled for the plaintiffs.

Krentz v. CONRAIL, 910 A.2d 20:

A driver sued a railroad company after he collided with a stationary train car that was blocking a railroad crossing. The court ruled unanimously for the plaintiff and reinstated his negligence claim.

Quinby v. Plumsteadville Family

Practice, Inc., 907 A.2d 1061: A quadriplegic's family sued a doctor and his practice after he died following a fall from an examination table. In a 4-3 vote, the court ruled for the plaintiffs.

Womer v. Hilliker, 908 A.2d 269: A patient sued his doctor, alleging that he experienced complications following eye surgery. In a 4-1 vote, the court ruled for the defendant.

Cooper v. Schoffstall, 905 A.2d 482:

An injured pedestrian sued a driver and sought information on the finances of the driver's expert. The court ruled unanimously for the defendant.

Egger v. Gulf Ins. Co., 903 A.2d 1219:

An employee was injured when a high-pressure water hose pierced his leg and severed arteries. The employee sued his employer's insurer. In a 5-1 vote, the court ruled for the plaintiff.

Wirth v. Aetna U.S. Healthcare, 904

A.2d 858: An insured filed a class-action suit against an insurer after it sought reimbursement for paid claims from his settlement with the negligent driver. In a 5-1 vote, the court ruled for the defendant.

Pridgen v. Parker Hannifin Corp.,

905 A.2d 422: Family members and survivors of a plane crash sued the maker of an airplane and airplane parts, alleging defects in the plane and its parts. The court ruled unanimously for the defendants.

Wilkes ex rel. Mason v. Phoenix Home,

902 A.2d 366: Insureds sued their insurer over allegedly improper fees. In a 4-2 vote, the court ruled for the defendant.

Gallagher v. Temple Univ. Hosp., 901

A.2d 981: A patient sued a hospital for medical malpractice. The court ruled unanimously for the defendant.

***Carroll v. Avallone*, 939 A.2d 872:** A patient's family sued his doctor for medical malpractice. In a 5-2 vote, the court ruled for the defendant.

***Gregg v. V-J Auto Parts Co.*, 943 A.2d 216:** A son sued an auto-parts store and its supplier, alleging that his father's death was the result of exposure to asbestos in their products. In a 4-3 vote, the court ruled for the defendant.

***Eiser v. Brown & Williamson Tobacco Corp.*, 938 A.2d 417:** Family members sued tobacco companies after two lifelong smokers died of lung cancer. In a 5-2 vote, the court ruled for the plaintiffs.

***Sackett v. Nationwide Mut. Ins. Co.*, 919 A.2d 194:** An insured sought UIM benefits for injuries sustained in a crash with an uninsured driver. In a 4-2 vote, the court ruled for the plaintiff.

***Everhart v. PMA Ins. Group*, 938 A.2d 301:** The family of an insured sued the insurer, seeking to "stack" UIM coverage for the insured's vehicles. The court ruled unanimously for the defendant.

***Blood v. Old Guard Ins. Co.*, 934 A.2d 1218:** An injured passenger sued his parents' insurer for UIM benefits.

The court ruled unanimously for the defendant.

***Schappell v. Motorists Mut. Ins. Co.*, 934 A.2d 1184:** An insured filed a class-action suit against an insurer for interest on delayed payments. The court ruled unanimously for the plaintiffs.

***Ash v. Cont'l Ins. Co.*, 932 A.2d 877:** Insureds sued their home insurer over a claim for fire damage. The court ruled unanimously for the defendant.

***Toy v. Metropolitan Life Ins. Co.*, 928 A.2d 186:** An insured sued her insurer, alleging that it sold her a policy packaged as a savings plan. In a 3-2 vote, the court ruled for the plaintiff.

***Weaver v. Lancaster Newspapers*, 926 A.2d 899:** A police officer sued a writer and a newspaper for defamation after it printed a letter to the editor from the writer, who harshly criticized the officer. The court ruled unanimously for the plaintiff.

***Wexler v. Hecht*, 928 A.2d 973:** A patient sued a surgeon, alleging that he botched a surgery to treat a bunion. In a 4-3 vote, the court ruled for the defendant.

***Salley v. Option One Mortg. Corp.*, 925 A.2d 115:** A borrower sued a

subprime lender and challenged the enforcement of a mandatory arbitration agreement that preserved the lender's right to judicial remedies such as foreclosure. In a 5-1 vote, the court ruled for the defendant and held that the agreement was valid.

***Pennsylvania Nat. Mut. Cas. Co. v. Black*, 916 A.2d 569:** An estate sued the insurer for damages related to

the son's death in car accident. In a 4-1 vote, the court ruled for the defendant.

***Pridgen v. Parker Hannifin Corp.*, 916**

A.2d 619: The family members of plane-crash victims sued the maker of an airplane and airplane parts, alleging defects in the plane and its parts. The court ruled unanimously for the defendants.

2008

***Fitzpatrick v. Natter*, 961 A.2d 1229:**

A patient sued her doctors after she experienced a severe reaction to a treatment for multiple sclerosis. The court ruled unanimously for the plaintiff.

***Generette v. Donegal Mut. Ins. Co.*, 957 A.2d 1180:** An insured sued her

insurer for UIM coverage. In a 5-2 vote, the court ruled for the plaintiff.

***C.C.H. v. Philadelphia Phillies, Inc.*, 940**

A.2d 336: An 11-year-old girl sued after she was sexually assaulted at the defendant's ballpark. A four-justice majority ruled that consent was not a defense to the civil claim; two justices dissented.

2009

Fletcher v. Pa. Prop. & Cas. Ins. Guar.

***Ass'n*, 985 A.2d 678:** A patient successfully sued her husband's doctors for malpractice and sought to hold the doctors' insurer liable for the judgment. The court ruled unanimously for the plaintiff.

***Maloney v. Valley Med. Facilities, Inc.*, 984 A.2d 478:** A widower sued his

wife's doctors, alleging that they failed

to diagnose his wife's bone cancer in a timely manner. In a 6-1 vote, the court ruled for the plaintiff.

***Abrams v. Pneumo Abex Corp.*, 981**

A.2d 198: Widows of employees sued the makers of products that contained asbestos, which allegedly caused lung cancer in their husbands. In a 4-2 vote, the court ruled for the plaintiffs.

***Barnish v. KWI Bldg. Co.*, 980 A.2d 535:**

Injured employees sued the maker of a fire detector, alleging that it failed to function during an explosion and fire. The court ruled unanimously for the defendant.

***Stimmeler v. Chestnut Hill Hosp.*, 981**

A.2d 145: A patient sued a hospital and doctor, alleging that a catheter was left in her body in 1965 and ultimately lodged in her heart. The court ruled unanimously for the plaintiff.

***Connor v. Archdiocese of Phila.*, 975**

A.2d 1084: Parents sued their son's school after he was expelled for possessing a penknife. The court ruled unanimously for the plaintiffs.

***Weaver v. Harpster*, 975 A.2d 555:** An employee sued her employer, alleging that she faced sexual harassment and groping. In a 5-2 vote, the court ruled for the defendant.

***Erie Ins. Exchange v. Baker*, 972 A.2d**

507: An insured was struck by an underinsured driver while riding his motorcycle, and he sued his insurer for UIM benefits. In a 4-3 vote, the court ruled for the defendant.

***Freed v. Geisinger Medical Center*, 971**

A.2d 1202: A paraplegic patient sued a hospital after he sustained bedsores during his stay. In a 4-2 vote, the court ruled for the plaintiff.

***Burger v. Blair Med. Assocs.*, 964 A.2d**

374: An employee sued a doctor's office for allegedly telling the plaintiff's employer about lab tests that revealed drug use. The court ruled unanimously for the plaintiff.

Halper v. Jewish Family & Children's

***Serv.*, 963 A.2d 1282:** Parents sued an adoption agency, alleging that it should have disclosed the schizophrenia of the mother of their adopted child, who later developed schizophrenia. The court ruled unanimously for the plaintiffs.

***Wilson v. El-Daief*, 964 A.2d 354:** A

patient sued her doctor and hospital, alleging that she sustained nerve damage during surgery. In a 4-2 vote, the court ruled for the plaintiff.

***Gbur v. Golio*, 963 A.2d 443:** A patient

sued his radiologist, alleging that he misdiagnosed his prostate cancer. The court ruled unanimously for the plaintiff.

***Johnson v. Am. Std.*, 8 A.3d 318:**

The plaintiffs sued manufacturers of products containing asbestos and challenged the constitutionality of a statute that limited legal liability for certain Pennsylvania corporations. In a 5-1 vote, the court ruled for the plaintiffs.

***Boyle v. Indep. Lift Truck, Inc.*, 6 A.3d**

492: An injured forklift-maintenance worker sued a company, alleging that its employee's negligence caused part of the forklift to fall on his foot. The court ruled unanimously for the defendant.

***Freed v. Geisinger Med. Ctr.*, 5 A.3d**

212: A patient sued a hospital for malpractice. In a 4-2 vote, the court ruled for the plaintiff.

***Summers v. Certainteed Corp.*, 997**

A.2d 1152: An employee operated a saw at an asbestos-products-manufacturing facility, leading to lung disease. In a 5-1 vote, the court ruled for the plaintiff.

***Vanderhoff v. Harleysville Ins. Co.*,**

997 A.2d 328: An insured was injured while driving a company car, and he sued his employer's insurer for benefits. In a 4-2 vote, the court ruled for the plaintiff.

***Chepkovich v. Hidden Valley Resort*, 2**

A.3d 1174: A patron sued a ski resort after she was injured when she fell from a ski lift. The court ruled unanimously for the defendant.

***Tannenbaum v. Nationwide Ins. Co.*,**

992 A.2d 859: An insured was permanently disabled in an accident and sought UIM benefits for lost income. In a 3-2 vote, the court ruled for the defendant.

***Vicari v. Spiegel*, 989 A.2d 1277:** An

estate sued a patient's doctors, alleging that their failure to discuss follow-up treatment to cancer therapy led to a greater risk of recurrence. The court ruled unanimously for the plaintiff.

Jones v. Nationwide Prop. & Cas. Ins.

Co., 32 A.3d 1261: An insured filed a class-action suit against her insurer over its method for obtaining reimbursement from personal-injury

settlements. The court ruled unanimously for the defendant.

***Gresik v. PA Partners, L.P.*, 33 A.3d**

594: A widow sued the company that

formerly owned the steel mill where her husband worked, alleging that the owner created a dangerous condition at the mill and that this contributed to her husband's death in an explosion. The court ruled unanimously for the defendant.

***Petty v. Hosp. Serv. Ass'n of Northeastern Pa.*, 23 A.3d 1004:** Insureds sued their health insurer, alleging that its profits violated a law regulating nonprofits. The court ruled unanimously for the defendant.

***Orsag v. Farmers New Century Ins.*, 15 A.3d 896:** An insured sued his insurer for UIM benefits. In a 5-2 vote, the court ruled for the insurer.

***Gillard v. AIG Ins. Co.*, 15 A.3d 44:** An insured sued an insurer and sought access to its law firm's records. In a 5-2 vote, the court ruled for the defendant.

***Schmidt v. Boardman Co.*, 11 A.3d 924:** Family members sued the maker of a fire hose that fell off a truck in transit and seriously injured two children. The court ruled unanimously for the plaintiffs.

***Lesko v. Frankford Hospital-Bucks County*, 11 A.3d 917:** An estate sued a hospital over a disputed settlement of a medical-malpractice claim. The court ruled unanimously for the defendant.

2012

***Marlette v. State Farm Mut. Auto. Ins. Co.*, 57 A.3d 1224:** An insured sued his insurer for UIM benefits. In a 5-1 vote, the court ruled for the defendant.

***Seebold v. Prison Health Servs.*, 57 A.3d 1232:** A prison guard sued a prison health care provider after he contracted an infection from an inmate. In a 5-1 vote, the court ruled for the defendant.

***Anderson v. McAfoos*, 57 A.3d 1141:** A widower sued his wife's doctors

after she died from a fatal infection caused by internal bleeding following surgery. The court ruled unanimously for the defendants.

***Reott v. Asia Trend, Inc.*, 55 A.3d 1088:** The plaintiff sued the maker and seller of a tree stand after he was injured in a fall from it, alleging that the product was defective. In a 5-1 vote, the court ruled for the plaintiff.

***Scampone v. Highland Park Care Ctr., LLC*, 57 A.3d 582:** A resident's family sued a nursing home, alleging

that its employees' negligence led to the resident's death. The court ruled unanimously for the plaintiffs.

***Thierfelder v. Wolfert*, 52 A.3d 1251:**

A patient and her husband sued their doctor after he began a sexual relationship with the wife. In a 5-1 vote, the court ruled for the defendant.

***Basile v. H & R Block, Inc.*, 52 A.3d**

1202: Consumers filed a class-action suit against a tax service, alleging that its "rapid refund" program was deceptively marketed as a loan when it was actually a quick payment of tax refunds. The court ruled unanimously to decertify the class.

***White v. Conestoga Title Ins. Co.*, 53**

A.3d 720: Borrowers filed a class-action suit against a title insurance company, alleging that its premium rates were too high. The court ruled unanimously for the plaintiffs.

***Bole v. Erie Ins. Exch.*, 50 A.3d 1256:**

A volunteer firefighter was injured when a bridge on his property collapsed while he was driving to a fire station to respond to a call, and he sued his insurer for UIM benefits. In a 5-1 vote, the court ruled for the defendant.

***Cooper v. Lankenau Hosp.*, 51 A.3d**

183: A mother sued her doctors after they delivered her baby via a C-section even though she had refused to consent to the procedure. In a 5-1 vote, the court ruled for the defendant.

***Tayar v. Camelback Ski Corp.*, 47 A.3d**

1190: A patron sued a ski resort after she collided with another tuber after being pushed down the slope by an employee. In a 4-2 vote, the court ruled for the plaintiff.

***Betz v. Pneumo Abex LLC*, 44 A.3d**

27: The plaintiffs sued the makers of products containing asbestos, alleging that they were injured from exposure to the products. The court ruled unanimously for the defendants.

***Beard v. Johnson & Johnson, Inc.*, 41**

A.3d 823: A patient's family sued the maker of a stapling device after it failed to fully enclose an incision in the patient's stomach, leading to an infection and death. The court ruled unanimously for the defendant.

***Daley v. A.W. Chesterton, Inc.*, 37 A.3d**

1175: An injured employee sued the maker of products containing asbestos, alleging that exposure to the products caused his lung disease. In a 6-1 vote, the court ruled for the plaintiff.

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