

Virginia's Largest Verdicts of 2012

Highlights from this year's compilation

In this issue, Virginia Lawyers Weekly is pleased to present the survey of "Virginia's Largest Verdicts of 2012," our annual compilation of big jury verdicts from across the commonwealth.

No large federal cases

In recent years, the largest verdicts on our annual list have been federal jury awards ranging from tens to hundreds of millions of dollars. This year, however, the largest verdicts were handed down in state courts, and amounted to significantly less than previous years' top verdicts. In fact, only one federal case - a \$1.2 million defamation award from a Norfolk U.S. District Court jury - was featured in this year's survey.

Eight-figure awards

The top verdict in 2012 was a \$15.4 million dollar award from a Culpeper County jury for a victim of sexual assault. Close behind was a \$15 million hit out of Loudoun County, awarded to the family of a woman who was murdered by her husband. In Alexandria, a circuit court jury awarded \$13 million to a group of trustees who claimed they were defrauded by their former trust account manager. All other featured verdicts were in the seven-figure range.

Regional breakdown

Virginia's Tidewater region had the most million-dollar verdicts in 2012, with a total of six coming out of the Hampton Roads area. Northern Virginia came in a close second, claiming five of the 20 top verdicts. The City of Roanoke scored the most seven-figure awards for a single jurisdiction, with a total of three. Only one top verdict

came from the Metro Richmond area. Juries in Rockingham, Culpeper, Alleghany and Halifax counties also handed down million-dollar awards last year.

Med-mal dominates

Seven of the 20 cases involved allegations of medical malpractice, including a birth injury, a hospital fall and delayed treatment for serious conditions. Three of the million-dollar med mal verdicts on this year's list involved misdiagnoses, and all three cases were tried and won by the same duo of attorneys: Richmond's Lewis T. Stoneburner and Bellamy Stoneburner. The only other group of attorney to appear on the list more than once was the Virginia Beach team of Jeremiah A. Denton, Vivile R. Dietrich and Rhiannon M. Jordan, who scored two million-dollar defamation verdicts in Tidewater.

Hatten keeps streak alive

Newport News attorney Robert R. Hatten continues his streak on the Largest Verdicts list. Hatten has won at least one million-dollar jury verdict each year for the past seven years. In 2012, he scored a \$9.18 million verdict against John Crane Inc. on behalf of a client who died from mesothelioma allegedly caused by exposure to asbestos.

We compiled this list throughout the year and made a final appeal in December for qualifying verdicts. If you have a million-dollar verdict from 2012 that should be included, please let us know and we will include it in the online version of the survey.

— Sarah Rodriguez

As in past years, our criteria for the list are simple:

1. The verdict must be for at least \$1 million.
2. The verdict was returned by a jury in Virginia - not a judge.
3. The verdict was returned in calendar year 2012.

The 2012 survey features 20 verdicts, the same as last year.

If we have missed any million-dollar verdicts from 2012, please let us know. We'll be glad to add that information to the online version of the feature so it can be as complete as possible. And during the coming year, we would greatly appreciate hearing about verdicts that will make it on next year's list.

DEFAMATION

#11 \$3 million

Webb v. Virginian-Pilot Media Companies LLC

Type of case: Defamation

Court: Chesapeake Circuit Court

Attorneys: Jeremiah A. Denton, Vivile R. Dietrich and Rhiannon M. Jordan, Virginia Beach

Summary: In December 2009, The Virginian-Pilot published a news article about a public school assistant principal and his son, a student in the same school system. Plaintiff alleged that the defendant newspaper falsely implied that the principal had improperly used his position to obtain preferential treatment for his son.

The article also linked the father to numerous unflattering statements about the son. These statements had previously yielded a \$5 million jury verdict against the newspaper in favor of the son.

Last May, in a separate trial, a Chesapeake Circuit Court jury awarded \$3 million to the father.

In August, Circuit Judge Randall D. Smith dismissed the verdict, finding that the plaintiff failed to show the article was published with actual malice. Plaintiff's counsel has filed an appeal.



DENTON



DIETRICH



JORDAN

DEFAMATION

#19 \$1.2 million

Walsh v. WAVY Broadcasting LLC, et al.

Type of case: Defamation

Court: U.S. District Court, Norfolk

Attorneys: Jeremiah A. Denton III, Rhiannon M. Jordan and Vivile R. Dietrich, Virginia Beach

Summary: Plaintiffs, a husband and wife who owned a special events rental company, brought a defamation suit against WAVY Broadcasting and its parent company. In 2010, the defendants had aired a broadcast that falsely stated or implied plaintiffs had accepted deposits for their services, knowing that they were about to close their business.

In fact, plaintiffs had merged their company with a competitor, who had agreed to honor existing deposits and contracts. Several former customers were confused about the merger and contacted the TV station. The station's reporter interviewed the couple, who gave their side of the story, but the station edited much of the interview for the aired broadcast.

A Norfolk federal jury awarded \$600,000 each to the husband and wife. The parties settled the case post-trial.



DENTON



JORDAN



DIETRICH