

Nuclear Verdicts: Cause, Origin and Diffusion

The Kentucky Association of Counties Annual
Conference

November 13, 2025

By: Jeffrey C. Mando

Today's Agenda

I. Nuclear Verdicts

- A. National Trend

- B. Kentucky Cases

II. Cause and Origin

III. Diffusion

- A. Proactive

- B. Reactive

I. Nuclear Verdicts

Miami Township Liable for \$45 Million for Ohio Man's Wrongful Imprisonment (2022)

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Ohio man wins \$45 million in lawsuit after being wrongfully imprisoned for 20 years

Laura A. Bischoff
The Columbus Dispatch

Nov. 22, 2022, 10:56 a.m. ET

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Ohio man wins \$45 million in lawsuit after being wrongfully imprisoned for 20 years - from USA TO...

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Wrongfully Convicted Ohio Man's \$45 Million Verdict Upheld (1)

May 2, 2025, 1:56 PM EDT; Updated: May 2, 2025, 3:11 PM EDT



Eric Heisig

Senior Correspondent



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Miami Township Liable for \$45 Million for Ohio Man's Wrongful Imprisonment (2022)

Claims

42 U.S.C. 1983 claims against Detective Moore for suppression of exculpatory evidence and suggestive identification

Miami Township Liable

Detective Moore's actions were found to have occurred in his official capacity as an employee of Miami Township

Allegations Against Detective Moore

- Photo of Gillispie was larger and different background color
- Filler photos were of police officers with darker skin that could have been seen victims at police station
- Told the victims he had identified a potential suspect
- Pressured the victim that she needed to be 100% positive
- Failed to adequately record the identification process
- Told the victims that they selected the same individual, increasing confidence at trial
- Told victims that Gillispie may have changed his appearance

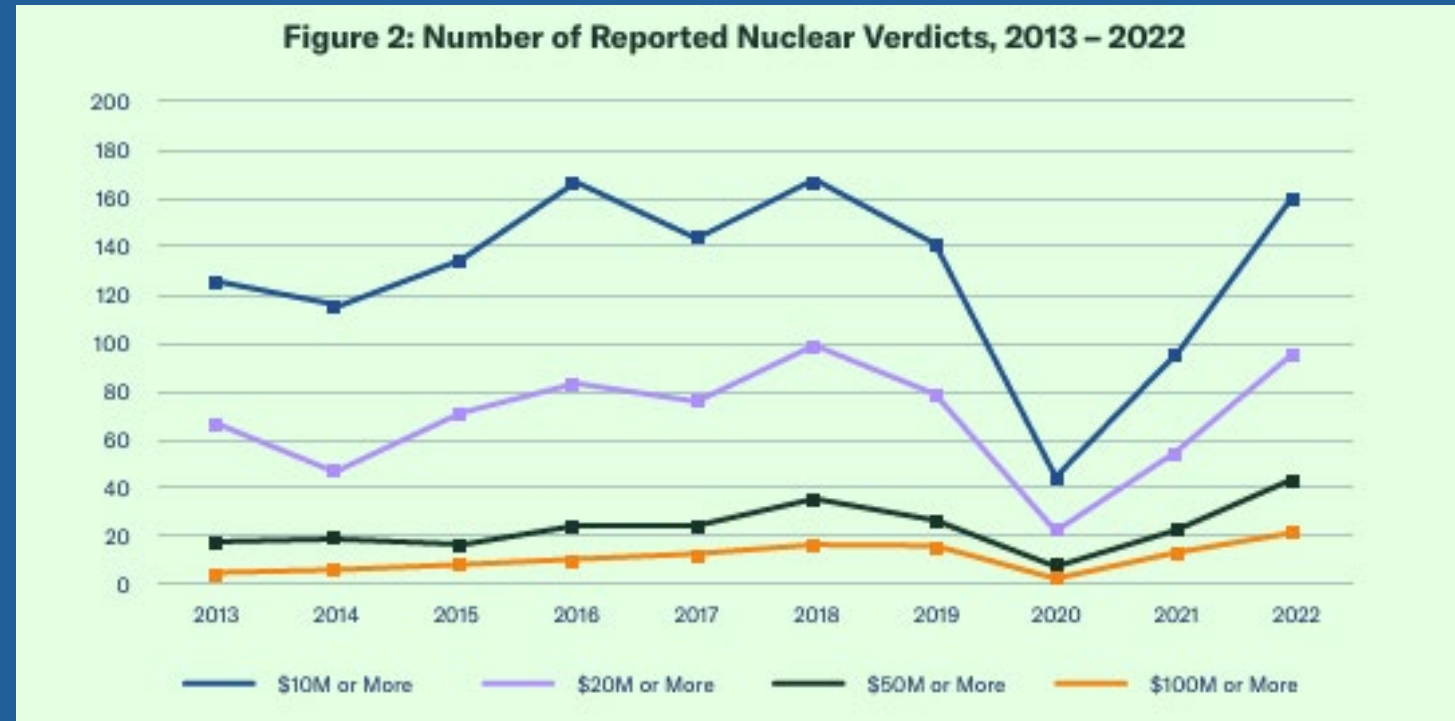
Nuclear Verdict

A nuclear verdict is a jury award that is exceptionally high, exceeding \$10 million.



National Trend

- In 2023 alone, over 27 cases reached verdicts of over \$100 million.
- In 2024, the number of nuclear verdicts rose to 135, a 52% increase over 2023.
- The total sum of the 2024 verdicts was \$31.3 billion, a 116% jump from 2023



2024 CORPORATE NUCLEAR VERDICTS BY STATE			
STATE	SUM OF VERDICTS	NUMBER OF VERDICTS	TOP SECTOR
Nevada	\$ 8,549,830,238.00	4	Beverages
California	\$ 6,904,889,220.00	17	Movies & Entertainment
Pennsylvania	\$ 3,426,287,105.00	12	Fertilizers & Agricultural Chemicals
Texas	\$ 3,040,874,354.00	23	Technology Hardware, Storage & Peripherals
New York	\$ 2,131,060,960.37	7	Construction & Engineering
Missouri	\$ 1,153,700,000.00	4	Health Care Equipment
Delaware	\$ 1,032,986,860.00	7	Oil & Gas
Louisiana	\$ 733,140,104.00	3	Life & Health Insurance
Illinois	\$ 654,000,000.00	4	Internet Software & Services
Florida	\$ 538,121,550.25	7	Hotels, Restaurants & Leisure
Massachusetts	\$ 526,931,142.00	4	Health Care Equipment
Washington	\$ 336,351,205.00	4	Air Freight & Logistics
Oregon	\$ 292,444,176.00	3	Pharmaceuticals
Maryland	\$ 266,000,000.00	1	Pharmaceuticals
New Jersey	\$ 227,292,312.00	3	Pharmaceuticals
Kentucky	\$ 178,082,371.00	2	Insurance
Alabama	\$ 160,000,000.00	1	Trucking
Virginia	\$ 151,500,000.00	1	Systems Software
Georgia	\$ 147,391,762.00	6	Trucking
Colorado	\$ 142,075,000.00	3	Automobiles
Arizona	\$ 140,000,000.00	1	Integrated Telecommunication Services
Arkansas	\$ 101,218,680.00	1	Hypermarkets & Super Centers
Hawaii	\$ 91,000,000.00	1	Tobacco
Indiana	\$ 75,800,000.00	2	Automobiles
South Carolina	\$ 63,000,000.00	1	Pharmaceuticals
Connecticut	\$ 52,500,000.00	3	Construction Materials
Ohio	\$ 40,016,600.00	2	Auto Components
Michigan	\$ 32,765,000.00	2	Security & Alarm Services
Tennessee	\$ 31,894,263.00	1	Construction Materials
New Mexico	\$ 31,000,000.00	1	Restaurants

2024 Corporate Nuclear Verdicts

- Largest verdicts were rendered in negligence and products liability cases
- 55 sectors were affected by nuclear verdicts in 2024, compared to only 48 in 2023
- 77 courts rendered nuclear verdicts against companies

Texas Federal Jury Awards Former Police Captain \$21.35M For Retaliatory Termination

Bevill v. City of Quitman (2025)

FACTS

- Plaintiff terminated for filing an Affidavit on behalf of a friend
- After termination, Plaintiff was arrested for Aggravated Perjury
- Plaintiff was in jail for a day and then released on bond
- Plaintiff sued City employees and City for retaliatory termination pursuant to 42 U.S.C. 1983

HOLDING

The Court determined that the Mayor (a defendant) was the final policymaker for the City of Quitman regarding personnel decisions, making the City liable for Plaintiff's retaliatory termination.

DAMAGES AWARD

The Court found that the jury's \$18 million compensatory and \$3.35 million punitive damages awards were supported by evidence, given the widespread public corruption and Plaintiff's loss of career, reputation, and temporary freedom.

Kentucky Trend

2010 – 2015

Average Plaintiff
Verdict
\$2, 364, 647

2016 – 2020

Average Plaintiff
Verdict
\$5, 089, 033

2021 – 2025

Average Plaintiff
Verdict
\$7, 985, 650

2024 Kentucky Statistics

In 2024, Kentucky had two insurance cases that resulted in nuclear verdicts of a total award of \$178,082,371

This placed Kentucky as 16th in the nation based on the summation of corporate nuclear verdict awards for the year



Kentucky Cases

2024

- Warner v. Midnight Recovery et al
(Jefferson County)
Verdict: \$163, 973, 760 for plaintiff
- Baird v. CSX(Jefferson County)
Verdict: \$14, 182, 371 for plaintiff
- Qualls v. The Lantern at Morning Pointe
(Greenup County)
Verdict: \$21, 942, 146 for plaintiff



Warner v. Midnight Recovery et al

Jefferson County, 2024

FACTS

- Defendant, tow-truck driver, rear-ended the Plaintiff at a high speed
- The accident caused an injury to Plaintiff's C4-6 disc, resulting in her being quadriplegic
- Plaintiff a negligence suit against the tow-truck driver, the employer, and GEICO, the employer's insurer

DAMAGES SOUGHT

- Plaintiff incurred medical bills of \$3,177,836
- Future medical bill estimate was \$15,497,054
- Plaintiff sought \$4,298,880 for permanent impairment
- Plaintiff sought \$30,000,000 for past pain and suffering
- AND \$111,000,000 for future pain and suffering

Warner v. Midnight Recovery et al

Jury Award:
\$ 163, 973, 760

The full measure of Plaintiff's damages were assessed jointly and severally against the driver, employer, and the insurer.

Baird v. CSX Transportation, Inc.

Jefferson County, 2024

FACTS

- Plaintiff was injured while performing maintenance work for CSX
- Plaintiff sued CSX for negligence claiming that there was an unsafe work environment

HOLDING

The court upheld the jury's finding that there was sufficient evidence to award the Plaintiff future medical damages

AWARD

\$17 million less Plaintiff's comparative fault (new total = \$14, 182, 371)

Qualls v. The Lantern at Morning Pointe

Greenup County, 2024

FACTS

- Plaintiff was an elderly man living in a residential memory care facility (defendant)
- Plaintiff fell on numerous occasions throughout his first week in the care facility.
- He was tended to immediately after each fall, but not monitored afterwards
- Plaintiff died of a herniated hematoma
- Sued defendant for negligence

Damages Sought

- Pain and suffering for personal injury
- Funeral bill of \$14,146
- Lost wages of \$168,000

AWARD

\$21,942,146 (\$16.6 million in punitive damages, \$5.16 million for pain and suffering)

City of Glasgow Liable for \$5.78 Million Award to a Barren County Sheriff Deputy



<https://www.wbko.com/2022/05/09/injured-barren-county-deputy-awarded-over-5-million-by-jury/>

City of Glasgow Liable for \$5.78 Million Award to a Barren County Sheriff Deputy

Award

- Jury found that Officer Greer was negligent and that the City of Glasgow was negligent for failing to properly train him.
- \$435,604 for past medical expenses
- \$156,800 for lost wages
- \$1,342,776 for future earning capacity
- \$100,000 for future medical expenses
- \$3,750,000 for pain and suffering



II. Cause and Origin

What is Social Inflation?

Social inflation is driven through deep-seated societal attitudes towards corporations and the legal system, opposed to economic inflation, which is driven by market forces.



Social Inflation Drivers

Recent trends towards a societal transformation against corporations, insurance, government

Legal advertisements promoting large money settlements/verdicts

Increase in 3rd party litigation funding

Growing Disdain: Luigi Mangione



Growing Disdain: The Importance of Beliefs Over Facts

“75% of jury-eligible respondents said they would decide a case based on their own personal beliefs of right or wrong if those beliefs conflicted with the law as instructed by the judge.”

Sound Jury Consulting (2019)

Growing Disdain: The Importance of Beliefs Over Facts

“57% of respondents said they would ignore a judge’s instructions to avoid internet research on the case if they felt that they could learn something important from that research.”

Growing Disdain: The Importance of Beliefs Over Facts

“52% said they would not take the time to look at the jury instructions during deliberations if they felt like they understood the basic issues in the case.”

Growing Disdain: The Importance of Beliefs Over Facts

“75% would disregard the instruction from a judge to ignore inadmissible testimony if they felt the testimony was important.”



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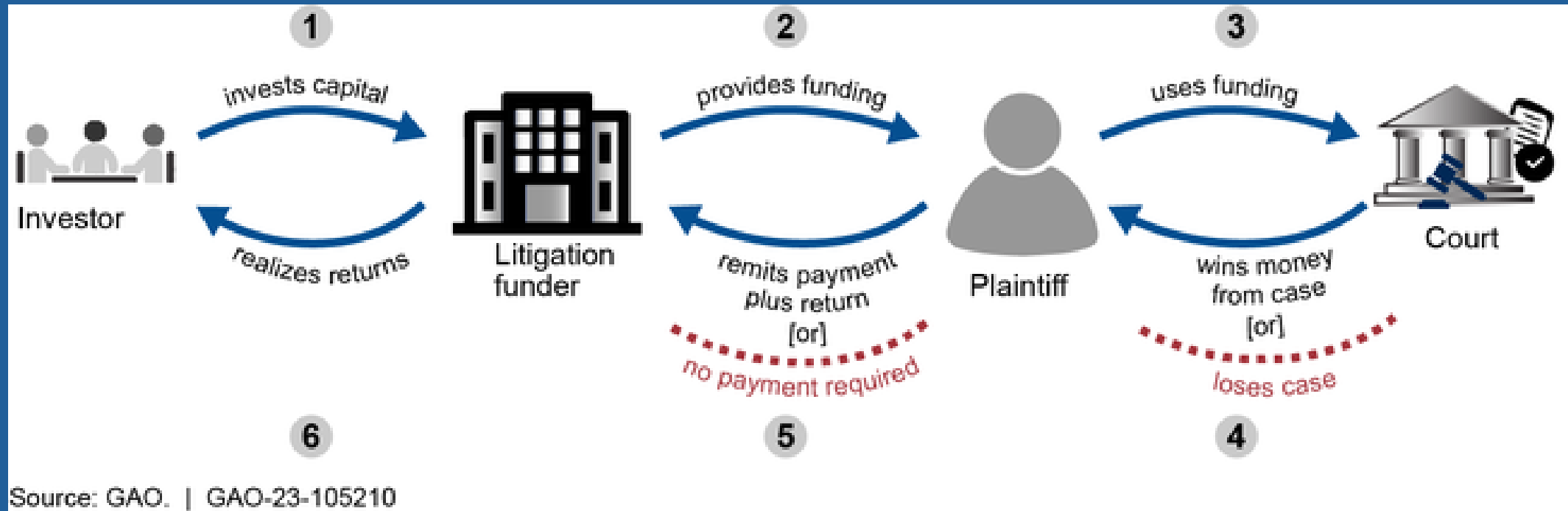

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III. Diffusion

What Can Local Governments Do To Minimize Risk?

- Maintain and update policies
- Enforce policies
- Supervise and train employees



What Can Defense Counsel Do To Reduce the Risk of Nuclear Verdicts?



- I. Prompt Case Assessment
- II. Motion in Limine
- III. Develop Counter-Anchors

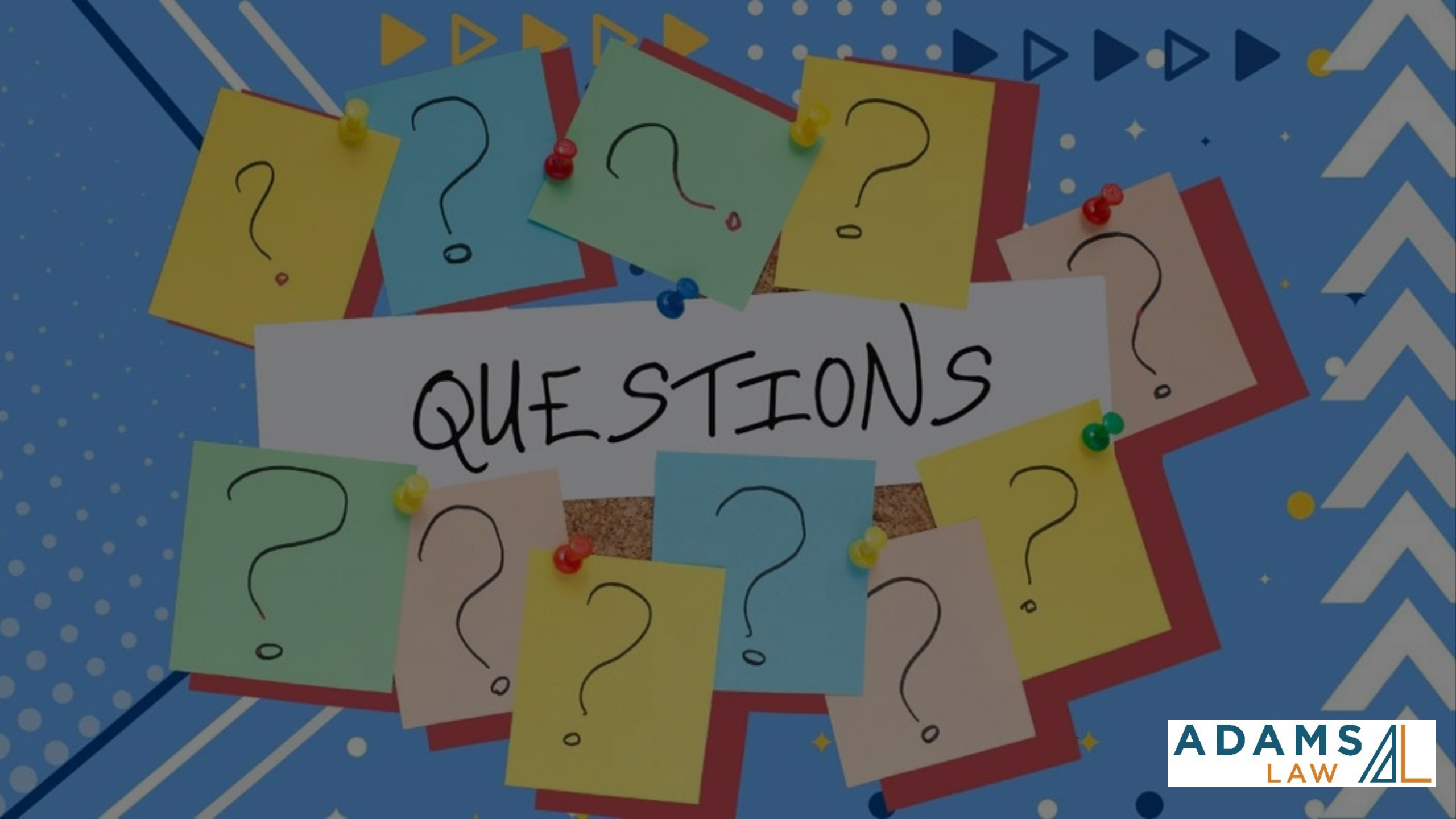
Research

- Juror research
- Focus groups
- Mock trial



Counter-Anchors



A central white sticky note with the word "QUESTIONS" in a handwritten black font is surrounded by several other sticky notes in yellow, light blue, light green, and light pink. Each of these surrounding sticky notes has a large, hand-drawn black question mark. The sticky notes are pinned to a dark blue background with various geometric patterns, including white dots, yellow and blue triangles, and white chevrons. Small, colorful pushpins (yellow, red, blue, green) are visible holding the sticky notes in place.

QUESTIONS