

IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

**BROOKS MONYPENY and DAVID
MONYPENY; as Surviving Children and as
Executors of the Estate of KATHRYN
SADOWSKI, Deceased; and EMIL SADOWSKI;
Individually and as Surviving Husband of
KATHRYN SADOWSKI, Deceased,**

Plaintiffs,

vs.

**NO. CT-002050-12
DIVISION VI
JURY DEMANDED**

CHAMROEUN KHEIV,

Defendant.

JUDGMENT ON JURY'S VERDICT

This cause came to be heard beginning on November 18, 2013, before the Honorable Jerry Stokes, Circuit Court Judge for the Thirtieth Judicial District at Memphis, upon a trial of the issues in this case before a duly empaneled jury consisting of:

Allen C. Jones
Donnell L. Tucker
Yolanda S. Wright
Jason M. Smith
Rebecca J. Wade
Jeffrey T. Gafford
Roger Schwartz
Octavia D. Shipp
Elizabeth A. Greth
Josephine M. Garavelli
John D. Goekler
Floyd Watson

On Friday, November 22, 2013, after deliberations, the jury returned a verdict in favor of the plaintiffs, Emil Sadowski, individually and as surviving husband of Kathryn Sadowski,

deceased, Brooks Monypeny and David Monypeny, as surviving children and as executors of the estate of Kathryn Sadowski, deceased, and the written jury verdict is incorporated herein by reference and is attached hereto.

The jury found the defendant, Chamroeun Kheiv 85% at fault, and the plaintiff, Emil Sadowski, 15% at fault. The jury awarded the following amounts in damages to Plaintiff Emil Sadowski:

Physical Pain and Suffering—Past	\$150,000
Physical Pain and Suffering—Future	\$ 50,000
Emotional Pain and Suffering—Past	\$150,000
Emotional Pain and Suffering—Future	\$250,000
Loss of ability to enjoy life—Past	\$150,000
Loss of ability to enjoy life—Future	\$200,000
Medical Expenses—Past	\$125,746
Medical Expenses---Future	\$200,000
Loss of consortium—past (period Kathryn Sadowski survived after collision)	\$ 50,000
Loss of services of his wife, Kathryn Sadowski-past (period she survived after collision)	\$ 50,000

After reducing the above amount by the 15% of fault allocated to Emil Sadowski, the judgment to Emil Sadowski is reduced from \$1,050,000 in non-economic damages and \$325,746 in economic damages to \$892,500 in non-economic damages and \$276,884.10 in economic damages. The \$750,000 cap on non-economic damages in personal injury cases contained in Tenn. Code Ann. Sec. 29-39-102 further reduces the damages to Emil Sadowski as follows: non-economic damages of \$892,500 is reduced to \$750,000. Adding the economic damages after the 15% fault reduction of \$276,884.10 to the remaining non-economic damages leaves a final

judgment to Emil Sadowski of \$1,026,884.10 (\$750,000 + 276,884.10).

The jury awarded the following amounts of damages to Kathryn Sadowski for the personal injury portion of her claim:

Physical Pain and Suffering	\$500,000
Emotional Pain and Suffering	\$325,000
Loss of ability to enjoy life from injury to her death	\$ 50,000
Medical Expenses	\$458,722.59
Funeral Expenses	\$ 14,655.49

After multiplying the above amount by the 85% fault allocated to defendant Kheiv, the judgment for Kathryn Sadowski's personal injury claim is reduced from \$875,000 in non-economic damages and \$473,378.08 in economic damages to \$743,750.00 in non-economic damages and \$402,371.36 in economic damages.

The jury awarded the following damages to Plaintiff Brooks and David Monypeny, as Surviving Children of Kathryn Sadowski, and to Emil Sadowski, surviving spouse of Kathryn Sadowski, for the pecuniary value of the life of Kathryn Sadowski:

Loss of the adult children of the love, society and companionship of their mother, Kathryn Sadowski,	\$75,000
Loss of Emil Sadowski of the love, society and companionship of his wife, Kathryn Sadowski,	\$375,000

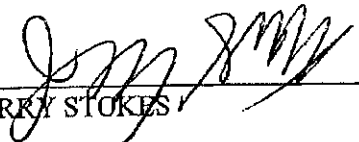
The defendant, Mr. Kheiv, being found 85% at fault for the above damages for the pecuniary life of Kathryn Sadowski, the non-economic damages of \$450,000 are reduced to \$382,500.

The \$750,000 cap on non-economic damages in personal injury cases contained in Tenn. Code Ann. Sec. 29-39-102 further reduces the combined damages for Kathryn Sadowski's claims

as follows: non-economic damages of \$1,126,250 is reduced to \$750,000. Adding the economic damages after the 15% fault reduction of \$402,371.36 to the remaining non-economic damages leaves a final judgment to Emil Sadowski of \$1,152,371.36 (\$750,000 + 402,371.36).

TOTAL DAMAGES FOR ALL PLAINTIFFS \$2,179,255.46


Pursuant to Tennessee Rule of Civil Procedure 58, judgment on said jury verdict is hereby entered in favor of plaintiffs and against Defendant. Defendant is ordered to pay to the clerk all court costs, for which execution may issue if necessary. It is so ordered.



JUDGE JERRY STOKES


Date: 12/13, 2013

A TRUE COPY ATTEST

JIMMY MOORE, Clerk
By  D.C.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to R. Sadler Bailey, Attorney at Law, 6256 Poplar Avenue, Memphis, TN 38119; Mr. Donald Capparella, Attorney at Law, 1310 Sixth Avenue North, Nashville, TN 37208 and Mr. Robert L. Moore, Attorney at Law, 100 North Main Building, Suite 3400, Memphis, TN 38103 by U. S. mail, postage prepaid, on this the 13 day of December, 2013.



Deputy Clerk