

ALABAMA JURY RETURNS \$40.25 MILLION VERDICT

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Hare Wynn has obtained a \$40.25 million jury verdict in Jefferson County, Alabama, in a case involving the death of Derric Rush, a Hoover resident killed on his way home from Wednesday night service at the church where he worked.

A wrongful death suit was filed by Peggy Bender Rush, wife of the deceased, Derric Rush, against defendants, James Kendrick and Club Volcano, a local bar where Kendrick was drinking on the night of the collision. The defendants must pay a total of \$40.25 million, including \$27 million in damages to the wife and child of Mr. Rush and \$13.25 million to his estate.

Mr. Rush was killed in a 2009 crash when his vehicle was hit from behind by a car driven by defendant Kendrick. Kendrick, a 12-year Birmingham police department veteran, was off-duty at the time and had a blood-alcohol level of .15, well above the legal driving limit of .08. Kendrick was traveling more than 115 mph when he rammed into Rush's car on I-59 in Jefferson County, near Arkadelphia Road.

A nearly empty bottle of Crown Royal found in the floorboard of Kendrick's car was admitted into evidence, along with the Crown Royal gift set he purchased earlier that evening, while Mr. Rush and his family were worshipping at their Hueytown church. Kendrick also admitted to being in Club Volcano for three hours before being involved in the collision, though admitted to only three or four drinks all evening.

Hare Wynn partners, [Leon Ashford](#) and [Jamie Moncus](#), represented the Rush family in the case.

Ashford says of the verdict: "This case was about jurors sending a clear message when an innocent life is taken. The jury looked at the consequences of the acts of the drunk driver and the club and sent a message to those in similar situations not to commit those acts."

Alabama's wrongful death law requires that damages be assessed for the noble purpose of preserving the sanctity of human life and preventing similar wrongs in the future. Damages are awarded to punish the defendants for their wrongful conduct and to save lives in the future by deterring others from committing the same wrongful conduct. The finality of death and the ease with which the death could have been prevented are for the jury's consideration in deciding the amount of the verdict.

Moncus says the verdict speaks volumes about the jury's sense of community and the courage of the twelve citizens who served on this case. "The jury spoke and sent a clear message that every human life is precious and drunk driving will simply not be tolerated."

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