

# Rooker Report

December 2005

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## Season's Greetings

### Richard Rooker & Staff

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## More Bloopers From the Courtroom



It's that time of year when news stories are scarce and all thoughts are on the holidays. So, it gives us the opportunity to add to the mood by printing more courtroom bloopers. Here are some you may not have seen before. They are hilarious excerpts from books written by court reporter Mary Louise Gilman, editor of *National Shorthand Report*. All are verbal exchanges that took place in actual courtroom settings. Enjoy.

**Q.** What is your brother-in-law's name?

**A.** I can't remember.

**Q.** He's been your brother-in-law for years and you can't remember his first name?

**A.** No. I tell you I'm too excited. (Rising from the witness chair and pointing to his brother-in-law). Nathan, for God's sake, tell them your first name!

**Q.** Did you ever stay all night with this man in New York?

**A.** I refuse to answer that question.

**Q.** Did you ever stay all night with this man in Chicago?

**A.** I refuse to answer that question.

**Q.** Did you ever stay all night with this man in Miami?

**A.** No.

**Q.** Doctor, did you say he was shot in the woods?

**A.** No. I said he was shot in the lumbar region.

**Q.** What is your name?

**A.** Ernestine McDowell.

**Q.** And what is your marital status?

**A.** Fair.

**Q.** Are you married?

**A.** No. I'm divorced.

**Q.** And what did your husband do before you divorced him?

**A.** A lot of things I didn't know about.

**Q.** Did he pick the dog up by the ears?

**A.** No.

**Q.** What was he doing with the dog's ears?

**A.** Picking them up in the air.

**Q.** Where was the dog at the time?

**A.** Attached to the ears.

**Q....**And what did he do then?

**A.** He came home and next morning he was dead.

**Q.** So when you woke up the next morning he was dead? Did you tell your lawyer that your husband had offered you indignities?

**A.** He didn't offer me nothing; he just said I could have the furniture.

**Q.** Could you see him from where you were standing?

**A.** I could see his head.

**Q.** And where was his head?

**A.** Just above his shoulders.

**Q.** Do you drink when you're on duty?

**A.** I don't drink on duty unless I come on duty drunk.

**Q.** The truth of the matter is that you were not an unbiased, objective witness, isn't it? You, too, were shot in the fracas?

**A.** No, sir. I was shot midway between the fracas and the navel.

### Test Your Holiday Spirit

## Would You Smile If...



The holiday season can be both stressful and delightful. With all the activities the season brings on—like tree trimming, shopping, gift wrapping, Christmas card mail-outs, and holiday parties—tempers can get short and oft times do.

Below is a test for your Christmas spirit. Give yourself 10 points for each "yes" answer.

If you score 100, you surely must be a saint. If you score 70-90 you are above average and Santa will fill your wish list. But if you score less than 70, your fuse is too short. Santa will leave you nothing but switches and lumps of coal.

Be honest.

Would you smile if...

... you told all your friends and family not to give you anything for Christmas and they didn't?

...you bought your dog a doggie sweater and he hiked his leg on it to show how much he liked it?

...you stood under the mistletoe all evening and all you got was a handshake and a breath mint?

...you mailed your Christmas cards late and they all came back after Christmas because you forgot to put stamps on them?

...you spent hours decorating your Christmas tree only to find out the colored lights wouldn't burn?

...you had all your gifts wrapped to tag and couldn't remember who was to get what?

...you did your Christmas shopping early, hid all your gifts and couldn't find them when Christmas time came?

...your bah-hum-bug husband gave you a twenty dollar bill for Christmas and told you to go buy yourself a nice gift?

... the family cat climbed up in the Christmas tree and turned it over, breaking your antique ornaments?

...your children asked for the receipts on the gifts you gave them so they could take them back to the store and get the money?

If you could still smile after any of these things, then you truly have the Christmas spirit.

**Defendant's Attorney:** Tell me what you were like from age 17 to the present. What have your feelings been about having kids?

**Plaintiff:** I wanted to pursue an education and then meet the perfect person and be married a couple years, save some money, buy a house, and start a family.

**Defendant's Attorney:** When did that change?

**Plaintiff:** Well —

**Plaintiff's Attorney:** — or did that change?

**Plaintiff:** — It didn't.

**Defendant's Attorney:** I think we all realize that as we get older, we're not going to marry the perfect person.

**Plaintiff's Attorney:** *My wife did.*

## NOVEMBER JURY TRIALS

### APPEALS

### GENERAL SESSIONS

#### Week of November 7

#### CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-2677	ASSAULT	1ST		\$114	(D55/P-45)		
05C-2185	GSA/AUTO ACCIDENT	6TH		\$4,090		P-\$5,490	DEFENDANT
04C-1987	AUTO ACCIDENT	6TH		\$4,739			

#### Week of November 14

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-3326	PEDESTRIAN HIT	6TH		\$1,638,561	(D-75/P-25)		
98C-1476	ASSAULT	2ND		COMP/SETTLED			
04C-2902	AUTO ACCIDENT	5TH		\$10,900	(D-75/P-25)		

#### Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
01C-259	AUTO ACCIDENT/ST	2ND	\$300,000	\$40,942			
03C-396	AUTO ACCIDENT/ST	3RD	\$165,000	\$23,799			
04C-2243	AUTO ACCIDENT/ST	1ST		MISTRIAL			

## NON-JURY TRIAL RESULTS

### APPEALS

### GENERAL SESSIONS

#### Week of November 28

#### CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
04C-3427	GSA/CONTRACT	2ND	\$1,000		P-\$2,400	DEFENDANT
04C-962	GSA/CONTRACT	5TH	\$2,250		P-\$3,436	DEFENDANT
05C-2549	GSA/CONTRACT	5TH	\$2,500		DISMISSED	PLAINTIFF
05C-1631	GSA/CONTRACT	5TH	\$2,000		P-\$15,000	DEFENDANT
03C-264	AUTO ACCIDENT	2ND	STIPULATED DAMAGES			
04C-1645	CONTRACT	2ND	\$115,000			
05C-70	GSA/CONTRACT	2ND	APPEAL DISMISSED		P-\$1,722	DEFENDANT
03C-3354	WORKERS COMPENSATION	6TH	P-50% VOC.			

## JANUARY BIRTHDAYS

BIRTHSTONE: **GARNET**

#### Circuit Court Clerk

1 Latonya Todd  
 11 Will Tidwell  
 13 Randy Bryant  
 15 Peggy Griffin  
 Brittany Travis  
 19 Brian Kahrs  
 27 Christy Allen  
 29 Deborah Hennessee

#### General Sessions Civil

1 Veronica Edmondson  
 16 Cindy Milligan  
 30 Connie Colley

#### Probate Clerk

None

#### Traffic Violations

2 Bessie Fox

### Transition

HERMAN LOEWENSTEIN, a Nashville attorney, died suddenly on Dec. 8 at his home. He was 78.

VIRGINIA DAVIS, 53, passed away on Nov. 20 in Dickson where she lived. She was an aunt of General Sessions Civil Division deputy clerk Veronica Edmondson, mother of two children and five great-grandchildren. Death came following a long battle with cancer.

MABLE EDEN, 93, mother of Randall Eden (husband of First Circuit Court Secretary Bobbie Eden) died at a Springfield nursing home where she had resided for the past 13 years following a stroke.

GLENDIA JEAN HIGGINS, mother of Angie Riggs (wife of Deputy Circuit Court Clerk Bill Riggs) passed away on Dec. 13 at her home in Hanceville, Alabama. She was 61.

## Rooker Report

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Internet @ [www.nashville.gov/circuit](http://www.nashville.gov/circuit)  
 Established by George L. Rooker (1929-1993)  
 (Circuit Court Clerk, 1968-1993)

Richard R. Rooker.....Circuit Court Clerk  
 Gene Baker.....Editor

### Department Mailing Addresses

**Circuit Court Clerk**  
 523 Mainstream Drive  
 PO Box 196303  
 Nashville, TN 37219-6303

**General Sessions Civil**  
 501 Great Circle Road  
 PO Box 196304  
 Nashville, TN 37219-6304

**Probate Court Clerk**  
 601 Mainstream Drive  
 PO Box 196300  
 Nashville, TN 37219-6300

**Traffic Violations Bureau**  
 501 Great Circle Road  
 PO Box 196302  
 Nashville, TN 37219-6302



ADA Coordinator, Margaret Larobardiere (862-5204)

## AUTO ACCIDENTS

### CASE ANALYSES

PLAINTIFFS	25
DEFENDANTS	15

### PERIODICAL OVERVIEW

	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	18	18	0	13	4	1
APRIL-JUNE	12	8	4	6	6	0
JULY-SEPTEMBER	11	8	3	6	5	0
OCTOBER	0	0	0	0	0	0
NOVEMBER	7	6	1	5	0	2

### JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	24,631	7,131-17,500	N/A
FEBRUARY	65,118	1,386-48,000	7,866
MARCH	431,049	5,997-243,500	36,310
APRIL	111,645	1,133-108,262	2,250
MAY	39,000	N/A	N/A
JUNE	7,504	N/A	N/A
JULY	N/A	N/A	N/A
AUGUST	543,627	1,072-330,000	7,085
SEPTEMBER	N/A	N/A	N/A
OCTOBER	N/A	N/A	N/A
NOVEMBER	84,480	4,090-40,942	13,179

### NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY '05	N/A	N/A	N/A
FEBRUARY	N/A	N/A	N/A
MARCH	N/A	N/A	N/A
APRIL	2,500	N/A	N/A
MAY	N/A	N/A	N/A
JUNE	6,800	N/A	N/A
JULY	5,000	N/A	N/A
AUGUST	N/A	N/A	N/A
SEPTEMBER	N/A	N/A	N/A
OCTOBER	N/A	N/A	N/A
NOVEMBER	N/A	N/A	N/A

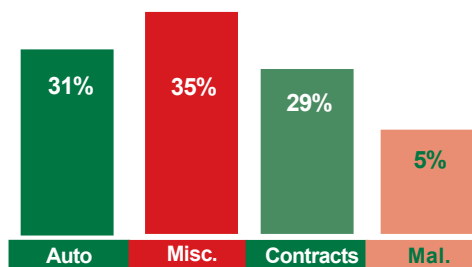
### SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY '05	24,631	7,131-17,500	N/A
FEBRUARY	N/A	N/A	N/A
MARCH	338,232	5,997-243,500	47,158
APRIL	109,395	1,133-108,262	N/A
MAY	39,000	N/A	N/A
JUNE	7,504	N/A	N/A
JULY	N/A	N/A	N/A
AUGUST	330,000	N/A	N/A
SEPTEMBER	N/A	N/A	N/A
OCTOBER	N/A	N/A	N/A
NOVEMBER	64,541	23,799-40,942	N/A

### GENERAL SESSIONS AUTO CASE APPEALS

MONTH	\$TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY '05	N/A	N/A	N/A	N/A
FEBRUARY	17,118	3	0	0
MARCH	0	0	0	0
APRIL	4,750	2	0	0
MAY	N/A	N/A	N/A	N/A
JUNE	6,800	1	0	0
JULY	5,000	1	1	0
AUGUST	1,072	1	0	0
SEPTEMBER	N/A	0	1	0
OCTOBER	N/A	N/A	N/A	N/A
NOVEMBER	4,090	1	0	0

## Civil Trials By Class



## DATA BANK

Statistics compiled for the month of November

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	224
JURY .....	88
NON-JURY .....	136
CIVIL CASES CONCLUDED .....	335
JURY .....	230
NON-JURY .....	105
NEW DIVORCE CASES FILED .....	209
DIVORCE CASES CONCLUDED .....	166
DOMESTIC PETITIONS FILED .....	250
DOMESTIC PETITIONS CONCLUDED .....	209

#### General Sessions Civil

NEW CASES FILED .....	4,015
EXECUTIONS ISSUED .....	3,201
GARNISHMENT PAYMENTS .....	3,584
JUDGMENTS COLLECTED .....	\$688,693
ORDER OF PROTECTION PETITIONS .....	212

#### Probate Court

NEW CASES FILED .....	138
CASES CLOSED .....	133

#### Traffic Violations

MOVING CITATIONS .....	33,268
PARKING VIOLATIONS .....	5,062
TOTAL FINES COLLECTED .....	\$499,050
NULLIFICATIONS .....	4,038
NULLIFICATION FEES COLLECTED .....	\$48,456

### MISCELLANEOUS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
53	36	11	6

### CONTRACTS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
45	33	3	9

November Cash Awards--\$122,750. Year to Date--\$358,704

### MEDICAL MALPRACTICE

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
7	2	5	0