

Boat Negligence - A teenage girl suffered a complex leg fracture when while jet-skiing on Lake Herrington, she was struck by a bass boat

Kelley v. Poore, 07-4585

Plaintiff: Charles W. Gorham, Lexington and R. Grant Stephens, *Stephens Law Group*, Lexington

Defense: John W. Walters and Melissa M. Thompson, *Golden & Walters*, Lexington

Verdict: Defense verdict on liability

Circuit: **Fayette**, J. Scorsone,
10-16-08

Kendra Kelley, then age 19, operated a Sea-Doo jet-ski on 7-1-07 on Lake Herrington. [She was on an Arctic Cat Tigerhawk model.] Near the Dix Dam, Kelley rode near the shore. At the same time, a bass boater, John Poore, moved in the same direction.

Kelley alleged that Poore overtook her jet-ski and then made a sudden turn, his boat essentially broadsiding her jet-ski. [Neither of them saw the other before the impact.] Kelley was badly hurt, the boat striking her leg – for several minutes she was in the water with an open tibia-fibula fracture. Despite a surgical repair, she continues to complain of pain. Her medicals were \$48,516 and she sought \$10,000 for future care. Lost wages were \$12,000. Kelley claimed \$200,000 for past suffering and \$150,000 more for that in the future.

In this lawsuit, Kelley sought damages from Poore, blaming him for turning into her path. Poore's defense was simple – the inexperienced Kelley simply turned into his boat. A boating expert, Robert Taylor, Novi, MI, was critical of Kelley for failing to observe nautical rules, Poore having the right of way. Kelley disputed Poore's recollection and cited a shore witness who supported her version.

The court's instructions asked if Poore was negligent in operating his boat. The jury said no and Kelley took nothing. When reviewed by the KTCR, no judgment had been entered.