

LEGAL UPDATE

CUNNINGHAM BOUNDS

TRIAL ATTORNEYS

FALL 2024

**Montana Jury Delivers
Landmark \$15 Million
Verdict in Carbon
Monoxide Fatality Case**

1

**Accolades:
Cunningham Bounds Honored Again
in Best Law Firms® Annual Rankings**

**Chambers USA Ranks Cunningham
Bounds as Leading Firm in Plaintiffs'
Litigation**

2

Get to Know Glenn Kushel

In Our Community

3

**How to Safeguard Against
Carbon Monoxide Poisoning
During Your Vacation**

4

Montana Jury Delivers Landmark \$15 Million Verdict in Carbon Monoxide Fatality Case

On April 10, 2024, the law firms of Cunningham Bounds and Beck, Amsden & Stalpes obtained a \$15 million verdict against Rainbow Ranch Lodge and other defendants in a carbon monoxide poisoning case involving the tragic death of Lew Hudgens. The record-setting verdict was more than twice the size of the previous largest verdict in Gallatin County, Montana.

In January 2021, Lew and Catharine Hudgens traveled to Big Sky, Montana for their honeymoon. The couple checked into Rainbow Ranch Lodge on January 11, 2021. After not hearing from the newlyweds, the family called the Lodge on multiple occasions, requesting wellness checks on the couple. The Lodge's staff failed to confirm the well-being of Catharine and Lew. On January 15 – four days after the couple's arrival - the lodge's general manager entered the Hudgens' room where he found Lew deceased in the bed and Catharine severely disoriented.

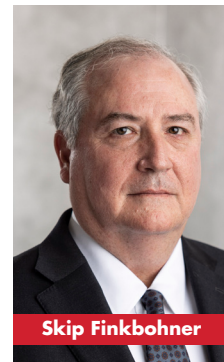
Lew's death and Catharine's injuries were caused by their inhalation of carbon monoxide that seeped through the wall separating their room and an adjacent room housing a spa boiler. The boiler had not been properly maintained for years, causing it to release the deadly carbon monoxide into the Hudgens' room.

The case was filed against Rainbow Ranch, its general manager, several plumbers, and others alleging that their negligence led to the death of Lew Hudgens and caused life-altering injuries and trauma to Catharine Hudgens.

When speaking about the case, Cunningham Bounds' attorney David Cain stated, "It was an honor to represent the Hudgens family, and we are grateful to the jury for holding Rainbow Ranch accountable for this tragedy. An extremely dangerous spa boiler was ignored and neglected for years, resulting in its failure and the release of deadly carbon monoxide. Rainbow Ranch failed to do a wellness check on the Hudgens despite repeated calls by concerned family members and did not have the legally required carbon monoxide alarm in the Hudgens' room. We hope this verdict brings additional focus to the dangers of carbon monoxide, the importance of carbon monoxide alarms, and the need for timely action by staff when welfare checks are requested."

Catharine Hudgens was represented at trial by Skip Finkbohner and David Cain, of Cunningham Bounds and Justin Stalpes of Beck, Amsden & Stalpes.

"We hope this verdict brings additional focus to the dangers of carbon monoxide, the importance of carbon monoxide alarms, and the need for timely action by staff when welfare checks are requested."



Skip Finkbohner



David Cain

Accolades

Cunningham Bounds Honored Again in Best Law Firms® Annual Rankings

Cunningham Bounds is honored to be featured in the 2024 edition of Best Lawyers' Best Law Firms®. Our firm has maintained a consistent presence in these annual rankings. In the latest edition, Cunningham Bounds has once again achieved the highest possible ranking, Tier 1, in the Mobile, Alabama area.



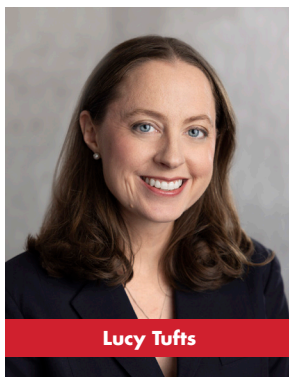
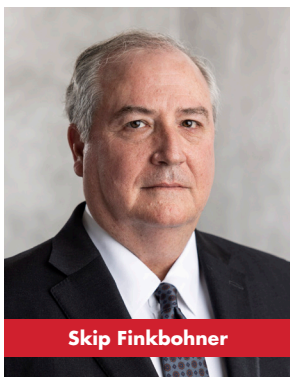
A Tier 1 ranking in Best Law Firms® signifies a law firm of exceptional quality and dedication with outstanding legal expertise. These rankings are based on a thorough evaluation process that includes professional reference assessments, peer reviews from top attorneys, interviews with industry leaders, and additional firmographic details reviewed during the formal research process.

Chambers USA Ranks Cunningham Bounds as Leading Firm in Plaintiffs' Litigation

Cunningham Bounds recently received Chambers and Partners highest possible ranking ("Band 1") in the 2024 Chambers USA Guide, The Leading Lawyers and Law Firms in the USA (Alabama).

The 2024 Chambers USA Guide stated that the Cunningham Bounds team's expertise is unparalleled, putting clients first and creating relationships that are critical to success. Research compiled by Chambers said, "They are the best, period. No other firm can match their courtroom skills. They have more talent and trials than any plaintiff's firm in this region."

In addition to the firm's overall ranking, three Cunningham Bounds partners were individually recognized as leading litigation attorneys: **Skip Finkbohner, Lucy Tufts, and David Cain.**



LEGALUPDATE CUNNINGHAM BOUNDS

ATTORNEYS

TOBY D. BROWN

GEORGE W. FINKBOHNER, III

DAVID G. WIRTES, JR.

STEVEN L. NICHOLAS

GLENN E. KUSHEL

DAVID S. CAIN, JR.

WILLIAM E. BONNER

ROBERT L. MITCHELL

J. BRIAN DUNCAN, JR.

LUCY E. TUFTS

JOSEPH D. STEADMAN

JENNIFER JAY/JOHN YORK

AMANDA H. HERREN

TYLER J. FLOWERS

JOSEPH F. MCGOWIN

NICHOLAS C. MORITAKIS

CHRISTOPHER B. ESTES

Follow Us!



Get to Know **Glenn Kushel**



Glenn began practicing law in 1988 and started his plaintiff's practice with Mills & Moraitakis in 1993. By 1995, he was named a partner, and the firm eventually became Moraitakis & Kushel, LLP. Since then, Glenn and his partner, Nick Moraitakis, have built a successful partnership, tirelessly representing and fighting for clients who have been injured or killed due to the wrongdoing of others.

Throughout his career, Glenn has successfully tried and resolved numerous

cases in fields such as medical malpractice and personal injury. One notable example is the case of *Keenan v. Plouffe*, which he and Nick argued before the Georgia Supreme Court. This case involved a young woman who suffered severe brain damage during surgery at the Medical College of Georgia. In a landmark decision, the Supreme Court ruled that the defendant physician, a faculty member at the Medical College, was not immune from suit under the Georgia Tort Claims Act and could be held individually liable.

Glenn received a Lifetime Achievement award as America's Top 100 Attorneys for Georgia and has served as President of the Georgia Trial Lawyers Association. Last fall, Glenn and Nick merged their Atlanta-based firm with Cunningham Bounds. This partnership unites the strengths, expertise, and resources of two esteemed trial law firms, empowering them to tackle the most complex and high-stakes cases.

In Our **Community**



Atlanta Spring Party



Celebrating Judge Vicki Davis, Mobile Bar Association's 12th Annual Trailblazer Tea



Prsrt Std
U.S. Postage
P A I D
Permit No. 435
Mobile, AL

1601 DAUPHIN STREET | MOBILE, ALABAMA 36604 T (251) 471 6191
5555 GLENRIDGE CONNECTOR, SUITE 550 | ATLANTA, GEORGIA 30342 T (404) 537 3479
MAILING ADDRESS POST OFFICE BOX 66705 | MOBILE, ALABAMA 36660
CUNNINGHAMBOUNDS.COM

The following language is required by Alabama Rules of Professional Conduct:
"No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers."

How to

Safeguard Against Carbon Monoxide Poisoning During Your Vacation

Few travelers think about the risk of carbon monoxide poisoning when staying at a hotel or Airbnb, but in the past year alone, carbon monoxide leaks at six U.S. hotels resulted in two deaths and at least 35 injuries.

While smoke alarms are generally required by law in every hotel room, regulations for carbon monoxide detectors vary by state, and are not required by Airbnb. This gap is notable given that Airbnb has reported 10 carbon monoxide fatalities in Chile and Mexico over the past five years, highlighting the need for increased safety measures.

Buying a portable carbon monoxide alarm is a simple way to safeguard



yourself and your loved ones from this hidden danger while traveling. Carbon monoxide poisoning can easily be mistaken for other illnesses, and

travelers might attribute symptoms to stress or food poisoning. It's essential to seek medical attention as soon as you begin to feel unwell.