



Plaintiffs: Negligent hiring led to fatal stabbing by employee

Type: Verdict-Plaintiff

Amount: \$7,375,000,000

State: Texas

Venue: Dallas County

Court: Dallas County Court at Law No. 5, TX

Injury Type(s):

- *arm*
- *neck*
- *other - death*

Case Type:

- *Gross Negligence*
- *Intentional Torts - Assault*
- *Employment - Negligent Retention*
- *Worker/Workplace Negligence - Negligent Hiring; Negligent Supervision*

Case Name: William Goff as Personal Representative of Betty Jo McClain Thomas, deceased; Charles Thomas; Cindy Ringness; Cheryl Goff; and Charlotte Glover v. Roy James Holden, Jr., No. CC-20-01579-E

Date: June 23, 2022

Plaintiff(s):

- Cheryl Goff, (Female, 63 Years)
- William Goff, (Male, 0 Years)
- Cheryl Glover, (Female, 58 Years)
- Charles Thomas, (Male, 67 Years)
- Cindy Ringness, (Female, 65 Years)
- Betty Jo McClain Thomas, (Female, 83 Years)

**Plaintiff
Attorney(s):**

- Chris S. Hamilton; Hamilton Wingo, LLP; Dallas TX for William Goff,, Betty Jo McClain Thomas,, Charles Thomas,, Cindy Ringness,, Cheryl Goff,, Cheryl Glover
- Ray T. Khirallah Jr.; Hamilton Wingo, LLP; Dallas TX for William Goff,, Betty Jo McClain Thomas,, Charles Thomas,, Cindy Ringness,, Cheryl Goff,, Cheryl Glover
- Brad Jackson; The Law Offices of Brad Jackson; Dallas TX for William Goff,, Betty Jo McClain Thomas,, Charles Thomas,, Cindy Ringness,, Cheryl Goff,, Cheryl Glover
- Paul Wingo; Hamilton Wingo, LLP; Dallas TX for William Goff,, Betty Jo McClain Thomas,, Charles Thomas,, Cindy Ringness,, Cheryl Goff,, Cheryl Glover
- Allie J. Hallmark; Hamilton Wingo, LLP; Dallas TX for William Goff,, Betty Jo McClain Thomas,, Charles Thomas,, Cindy Ringness,, Cheryl Goff,, Cheryl Glover
- Grant P. Boston; Hamilton Wingo, LLP; Dallas TX for William Goff,, Betty Jo McClain Thomas,, Charles Thomas,, Cindy Ringness,, Cheryl Goff,, Cheryl Glover

**Plaintiff Expert
(s):**

- Danny Coulson; Security Consulting; Aledo, TX called by: Chris S. Hamilton, Ray T. Khirallah Jr., Brad Jackson, Paul Wingo, Allie J. Hallmark, Grant P. Boston
- David Feltoon Ph.D.; Psychology/Counseling; Austin, TX called by: Chris S. Hamilton, Ray T. Khirallah Jr., Brad Jackson, Paul Wingo, Allie J. Hallmark, Grant P. Boston

Defendant(s):

- Roy James Holden
- Charter Communications LLC

**Defense
Attorney(s):**

- Michael H. Bassett; The Bassett Firm; Dallas, TX for Charter Communications LLC
- Edward Davis; Lewis Brisbois Bisgaard & Smith LLP; Dallas, TX for Charter Communications LLC
- Dale Wainwright; Greenberg Traurig LLP; Austin, TX for Charter Communications LLC
- Michael Kawalek; Kawalek Firm PLLC; Dallas, TX for Charter Communications LLC
- Clint Cox; Cox P.L.L.C.; Dallas, TX for Roy James Holden
- O. Luke Davis III; Cox P.L.L.C.; Dallas, TX for Roy James Holden
- Sarah Schuller; Cox P.L.L.C.; Dallas, TX for Roy James Holden

**Defendant
Expert(s):**

- Pete Sullivan; Fleet Management; Houston, TX called by: for Michael H. Bassett, Edward Davis, Dale Wainwright, Michael Kawalek
- Philip S. Deming; Human Resources Policies; Sarasota, FL called by: for Michael H. Bassett, Edward Davis, Dale Wainwright, Michael Kawalek

Facts:

On Dec. 12, 2019, plaintiffs' decedent Betty Jo McClain Thomas, 83, was stabbed to death at her home in Irving. The killer was Roy James Holden Jr., a field technician for Charter Communications LLC since November 2018. Charter provides residential phone, internet and television services. Holden entered into a plea agreement and was sentenced to life in prison for Thomas' murder.

Holden had performed work at Thomas' house the day before he killed her. He returned on the 12th, in a Charter truck and Charter uniform, under the pretext of fixing an ongoing problem with her fax machine. While he was there, she caught him stealing her credit

cards, and he stabbed her with his Charter-issued utility knife.

Thomas was survived by three daughters and one son. They were plaintiff Cindy Ringness, 65; plaintiff Cheryl Goff, 63; plaintiff Charlotte Glover, 58; and plaintiff Charles Thomas, 67.

Thomas' estate and four children sued Holden and later added Charter as a defendant. The lawsuit alleged that Holden assaulted and killed Thomas and that Charter was negligent and grossly negligent in its hiring, retention and supervision of Holden. The plaintiffs later added a claim of forgery, alleging that Charter fabricated terms and conditions containing an arbitration provision and limitation of liability to which Thomas had not agreed.

The plaintiffs claimed that Charter negligently failed to verify Holden's employment history. When Holden applied to Charter, he had been terminated from several jobs. Holden failed to disclose some of these jobs at all; others he said he left voluntarily. His most recent termination was the day before the application and was for harassment of a coworker.

The plaintiffs claimed that Charter stopped verifying field techs' employment histories in 2016. Charter's human resources director for the Texas region and Holden's supervisor testified that, had an employment verification been run on Holden, Charter would have discovered numerous red flags and discrepancies and would not have hired him.

The jury received a spoliation instruction as to Charter's failure to preserve video surveillance footage of the parking lot where Holden accessed a company van before and after killing Thomas.

Plaintiffs' counsel asked the jury to find 90 percent responsibility on Charter and 10 percent on Holden, for causing or contributing to cause Thomas' death.

Holden's counsel argued that Charter alone was responsible for Thomas' death, because Holden was having a mental breakdown and begged his supervisors for help in the weeks before the murder. In response to a written request for assistance, Charter's operations manager had responded, "Get to work... lol," counsel noted.

Charter denied negligence, gross negligence and forgery. Charter's counsel argued that Holden alone was responsible for Thomas' death.

Injury:

Thomas was stabbed and killed. She was survived by three daughters and one son.

Thomas and her daughters all lived within a mile of each other in Irving and saw each other often. Thomas' son lived in Florida, and Thomas stayed with him for about six months out of the year.

The estate sought \$100 million for Thomas' pain and mental anguish. Thomas was stabbed four times in the neck and once in the forearm, and plaintiffs' counsel argued that the forearm wound was defensive in nature.

The four children sought a total of \$286 million, for past and future pecuniary loss, past and future loss of companionship and society and past and future mental anguish.

The plaintiffs also sought punitive damages of \$6 billion to \$12 billion.

Charter suggested an award of \$10 million to \$20 million in actual damages and zero in punitive damages, should the jury find Charter liable.

Result:

The jury found negligence and comparative responsibility of 90 percent on Charter; found assault and comparative responsibility of 10 percent on Holden; and determined that the plaintiffs' actual damages totaled \$375 million.

The jury also found gross negligence as to Charter and assessed punitive damages of \$7 billion, apportioning 20 percent to the estate and 20 percent to each of the four children.

The jury also found that Charter, beyond a reasonable doubt, with the intent to defraud or harm the plaintiffs, knowingly or intentionally committed forgery of the terms and conditions of service.

The trial was bifurcated. The second phase had only three jury questions: the amount of punitives, the apportionment of punitives and the forgery question.

Phase one lasted 13 days, and phase two lasted two days. The jury deliberated for three hours in phase one and two hours in phase two.

Charlotte Glover

\$ 5,000,000 Past Loss of Society Companion

\$ 18,000,000 Future Loss of Society Companion

\$ 5,000,000 Past Loss of Pecuniary Contribution

\$ 7,000,000 Past Mental Anguish

\$ 25,000,000 Future Mental Anguish

\$ 1,400,000,000 Punitive Damages

\$ 12,000,000 Future Loss of Pecuniary Contribution

\$ 1,472,000,000 Plaintiff's Total Award

Cheryl Goff

\$ 5,000,000 Past Loss of Society Companion

\$ 18,000,000 Future Loss of Society Companion

\$ 5,000,000 Past Loss of Pecuniary Contribution

\$ 7,000,000 Past Mental Anguish

\$ 20,000,000 Future Mental Anguish

\$ 1,400,000,000 Punitive Damages

\$ 12,000,000 Future Loss of Pecuniary Contribution

\$ 1,467,000,000 Plaintiff's Total Award

Cindy Ringness

\$ 5,000,000 Past Loss of Society Companion

\$ 18,000,000 Future Loss of Society Companion

\$ 5,000,000 Past Loss of Pecuniary Contribution

\$ 7,000,000 Past Mental Anguish

\$ 20,000,000 Future Mental Anguish

\$ 1,400,000,000 Punitive Damages

\$ 12,000,000 Future Loss of Pecuniary Contribution

\$ 1,467,000,000 Plaintiff's Total Award

Charles Thomas

\$ 6,000,000 Past Loss of Society Companion

\$ 18,000,000 Future Loss of Society Companion

\$ 6,000,000 Past Loss of Pecuniary Contribution

\$ 7,000,000 Past Mental Anguish

\$ 14,000,000 Future Mental Anguish

\$ 1,400,000,000 Punitive Damages

\$ 18,000,000 Future Loss of Pecuniary Contribution

\$ 1,469,000,000 Plaintiff's Total Award

Estate of Betty Jo Thomas

\$ 1,400,000,000 Punitive Exemplary Damages

\$ 100,000,000 pain and mental anguish

\$ 1,500,000,000 Plaintiff's Total Award

William Goff

Trial Information:

Judge: Juan Renteria

Trial Length: 15 days

**Trial
Deliberations:** 5 hours

Jury Vote: 6-0

**Jury
Composition:** 2 male, 4 female

Post Trial: Judge Juan Renteria entered a final judgment awarding \$1.147 billion on Sept. 19, 2022

**Editor's
Comment:** This report is based on information that was provided by plaintiff's and Holden's counsel. Charter's counsel declined to contribute.