

APR - 5 2023

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY
STATE OF MISSISSIPPI

Donna Jill Johnson
CIRCUIT CLERK

DAVID FANNING

PLAINTIFF

V.

Cause No. 18-CV-017

CITY OF MERIDIAN, MISSISSIPPI

DEFENDANT

MEMORANDUM OPINION

THIS MATTER came before the Court on March 23-24, 2023 for a bench trial pursuant to the provisions of the Mississippi Tort Claims Act [MTCA] codified in Miss. Code Ann. §11-46-1, et seq. After fully and materially reviewing all evidence introduced at trial, hearing the testimony of witnesses, and carefully considering legal authorities the Court does hereby find as follows:

I FACTS AND PROCEDURAL HISTORY

At trial, the Court received both testimonial and tangible evidence. Officer Edwin Laws provided testimony, and the Court reviewed dash camera footage retrieved from his patrol vehicle. Expert witnesses Jason Walton and Tim Corbitt provided testimony regarding accident reconstruction and law enforcement procedure. Dr. Chris Wiggins and Bruce Brawner testified as medical and rehabilitation experts on behalf of Plaintiff, David Fanning. The Court received Exhibits 1-25 from Plaintiff and Exhibits 1-18 from Defendant to consider as well. Additionally, David Fanning provided testimony. Based on the testimony and exhibits submitted by both parties, the Court established the following facts:

On Sunday, August 28, 2016 at 11:54 p.m., Officer Edwin Laws of the Meridian Police Department received a call to a burglary in progress at 4411 Paulding Street in Meridian, Mississippi. Upon leaving the E911 office and turning west on 8th Street, Officer Laws activated his blue lights without engaging his siren. 8th Street is a major four-lane thoroughfare that runs from east to west, beginning in the center of downtown Meridian and ending at the College Park Shopping Center, connecting to Highway 19. The posted speed limit on

8th Street is 35 miles per hour. Weather conditions on the night of the incident were clear, and traffic was minimal as Officer Laws only encountered three vehicles.

The dash camera footage retrieved from Officer Laws' patrol vehicle provided crucial information on the events leading up to the incident. The footage contained data on lights and braking, as well as a record of the vehicle's speed. In the video, Laws is seen traveling in the left-hand lane down 8th Street, passing through three intersections controlled by traffic lights before reaching the intersection of 39th Avenue. Officer Laws testified traveling in the left lane provided greater visibility.

At the first intersection, Laws had a green light and passed through it at a speed of 63 miles per hour. At the second intersection, he continued down 8th Street at 72 miles per hour after encountering another green light. Before reaching the third intersection, Laws accelerated to a top speed of 81 miles per hour before braking and crossing the intersection against a red light traveling 72 miles per hour. The dash camera footage revealed that as Laws crossed the third intersection, the traffic signal for the next intersection at 39th Avenue changed from green to yellow and then red. Approaching this intersection, which is where the accident occurred, Laws accelerated to a speed of 78 miles per hour. A building located on the northeast corner of 8th Street and 39th Avenue obstructed the view of southbound traffic on 39th Avenue. Laws testified that he did not see Fanning's vehicle at the intersection but was aware that, due to the obstructed view caused by the building, there could be oncoming traffic.

On the evening of the incident, David Fanning was driving south on 39th Avenue and came to a stop in the left turn lane at the intersection with 8th Street. The traffic signal for 39th Avenue was red, while the signal for 8th Street was green. A driver in Fanning's position has an obstructed view of 8th Street due to the building on the corner. After his light turned green, Fanning began his left turn onto 8th Street.

Dash camera footage shows Officer Laws attempted to veer left and avoid Fanning's vehicle and Fanning abandoned his left turn and attempted to go straight to avoid a collision.

Unfortunately, both maneuvers were unsuccessful, and Laws, who entered the intersection against the traffic signal, collided first with the front drivers' corner of Fanning's vehicle and then with the drivers' side, causing Fanning to hit a utility pole and fire hydrant on the southwest corner of the intersection. Footage shows Officer Laws was traveling at 78 miles per hour at the time of the collision, 43 miles per hour over the posted speed limit of 35.

At trial, two accident reports prepared by Officer Laws' supervisor, Heather Lubbers, were entered into evidence. These reports indicate that Officer Laws ran the red light, found him responsible and classified the accident as avoidable. Officer Laws received a verbal reprimand to use caution during an emergency response. Officer Laws followed Meridian Police Department policy as outline in General Order 98-015 in responding to a burglary in progress. General Order 98-015 provides:

VI. Code II

Officers using Code II response may activate the emergency lighting system of the patrol unit and proceed immediately to the scene of the call. Officers will exercise due caution. Examples of Code II response are as follows:

A. Burglary in progress – this includes a silent burglary and intrusion alarms (keeping in mind that equipment should be deactivated prior to arrival to enhance the chance of immediate apprehension.

...

Additionally, officer may use short burst of the sire to facilitate the safe negotiation of intersecting streets, etc.

General Order 98-015, which was introduced at trial, serves to establish safe and efficient procedures for emergency response. The policy outlines that officers should respond to calls in a reasonable and lawful manner, taking into account the circumstances at hand. Department policy places the onus on officers to prioritize the safety of all persons on the road while responding to emergencies.

Plaintiff filed his complaint alleging the Defendant waived immunity for its acts because its employee, in the course and scope of his employment as a police officer, acted in reckless disregard for the safety and well-being of Plaintiff. Plaintiff was not engaged in criminal

activity at the time of the collision and sustained personal injuries, medical expenses, and other specified damages. The Court record in this matter contains the complete testimony of witnesses. This opinion will highlight some of the relevant facts upon which the Court relied in reaching its decision.

II MISSISSIPPI TORT CLAIMS ACT

The MTCA is “the exclusive civil remedy against a governmental entity or its employee for acts or omissions which give rise to a suit.” Stewart ex rel. Womack v. City of Jackson, 804 So.2d 1041,1046 (Miss. 2002). Miss. Code Ann. §11-46-9 provides:

(1) A governmental entity and its employees acting within the course and scope of their employment or duties shall not be liable for any claim:

. . . .

(c) Arising out of any act or omission of an employee of a governmental entity engaged in the performance or execution of duties or activities relating to police or fire protection unless the employee acted in reckless disregard of the safety and well-being of any person not engaged in criminal activity at the time of injury.

Under the MTCA, lawsuits are subject to bench trial where the judge serves as both the fact-finder and the interpreter of law. Miss. Code Ann. §11-46-13(1); see also Miss. Dep’t. of Public Safety v. Durn, 861 So. 2d 990, 994 (Miss. 2003). Officer Laws was acting in the “course and scope of his employment” responding to a burglary in progress. Fanning was not engaged in criminal activity at the time of the collision. To prevail under the MTCA, Fanning must demonstrate, by a preponderance of evidence, that Officer Laws acted with reckless disregard for his safety when responding to the dispatch call.

A RECKLESS DISREGARD

Reckless disregard is a higher standard than negligence, embracing “willful or wanton conduct which requires knowingly and intentionally doing a thing or wrongful act.” Turner v. City of Ruleville, 735 So.2d 226, 230 (Miss. 1999). Wantonness is failure to exercise any care, while negligence is a failure to exercise due care. Maldonado v. Kelly, 768

So.2d 906, 911 (Miss. 2000). While the conduct does not have to be intentional it is “accompanied by a conscious indifference to consequences, amounting almost to a willingness that harm should follow.” Rayner v. Pennington, 25 So.3d 305, 309 (Miss. 2010). The Supreme Court of Mississippi has defined reckless disregard as:

the voluntary doing by motorist of an improper or wrongful act, or with knowledge of existing conditions, the voluntary refraining from doing a proper or prudent act when such act or failure to act evinces an entire abandonment of any care, and heedless indifference to results which may follow and the reckless taking of chance of accident happening without intent that any occur....

Turner, 735 So.2d at 229. Willful conduct encompasses a “conscious indifference to consequences, amounting almost to a willingness that harm should follow” and an “appreciation of the unreasonable risk involved, but also a deliberate disregard of that risk.” Durn, 861 So. 2d at 995; City of Laurel v. Williams, 21 So.3d 1170, 1175 (Miss. 2009). Case law from our appellate courts on the subject is clearly established. The Court finds the following decisions are instructive.

In the case of Maye v. Pearl River County, 758 So.2d 391 (Miss. 1999), deputy sheriff Collier reversed up an incline to the entrance of a parking lot. Id at 392. He checked his rear-view mirror but could not see the road because his view was obstructed. Id. Nevertheless, he continued reversing and damaged the plaintiff’s vehicle as she was entering the parking lot. Id. On appeal, the question facing the Court was whether Collier evidenced a reckless disregard for the rights and safety of others when reversing up an incline without being able to see incoming traffic. Id. at 394. The County asserted the conduct was simple negligence and that Maye had not proven Collier acted with conscious indifference to the consequences. Id. at 394-95. However, the Court stated:

Collier did not just carelessly back out of a space. With conscious indifference to the consequences, he backed out knowing he could not see what was behind him. . . . He knew he could not see cars coming into the lot and he knew checking his mirrors would not let him see cars pulling into the lot. It is obvious from the damage . . . that Collier was going much too fast to be backing up the entrance to the parking lot when he could not see what was behind him.

Id. at 395

In Vo v. Hancock Cty., 989 So.2d 414 (Miss. Ct. App. 2008) a deputy sheriff slowly reversed from a parking space and hit Vo's vehicle. Id. at 417. The deputy looked left before reversing but could not remember looking right. Id. The trial court granted Hancock County's motion for summary judgment prior to the close of discovery. Id. On appeal, Vo relied on Maye for the proposition that failure to look both ways while reversing constitutes reckless regard. Id. at 418 The Court of Appeals distinguished this case noting the deputy in Maye did not have a clear view at all and reversed into the roadway at a higher speed with the knowledge that there was a possibility of cars approaching. Id.

In Maldonado, 768 So.2d 906 (Miss. 2000), a Hinds County deputy sheriff approached what he characterized as a very dangerous four-way intersection where cross traffic does not stop. The deputy's view was partially obstructed by a water tower, he came to a complete stop before clearing left and right traffic and proceeding through the intersection where he collided with another motorist. Id. at 908. On appeal, the Court found Maldonado was at most negligent for failing to exercise due care, but his actions did not rise to the level of wanton or reckless disregard, "a failure or refusal to exercise any care" Id. at 910-11. The Court found "no indication that Maldonado acted with deliberate disregard to the consequences of attempting to cross the intersection. To the contrary, there is every indication that Maldonado was aware of the nature of the intersection and took specific steps to avoid the collision." Id.

In Davis v. Latch, 873 So.2d 1059 (Miss.Ct.App.2004), Officer Latch was responding to a call with his blue lights and siren engaged. Leaving downtown Corinth, he came to a complete stop at the first and second intersections he reached – both controlled by traffic signals. Id. Traveling approximately 37 miles per hour, he began decelerating as he approached the third intersection, controlled by a four-way stop sign. Id. at 1061. He observed two vehicles at this intersection, a van operated by Davis and a second vehicle which cleared the intersection before pulling into the corner gas station. Id. Latch testified Davis's van was completely

stopped at the intersection without its turn signal activated. Id. After determining that it was safe to proceed, Officer Latch began to clear the intersection when Davis made a sudden left turn and the two vehicles collided. Id. The Court of Appeals found Officer Latch had not acted recklessly when crossing the intersection as he was aware of the nature of the intersection and took steps to avoid an accident. Id. at 1063.

In Rayner, 25 So.3d 305 (Miss.2010), a Rankin County sheriff's deputy responded to a call with blue lights and siren at a speed of 50-55 miles per hour until he reached the intersection with Highway 18. Id. at 307. At the intersection he slowed to cross into the oncoming lane of traffic. Id. He came to a complete stop at the red light and slowly crept forward, stopping again several times due to a vehicle in the center turn lane obstructing his view of oncoming traffic. Id. Passing through the intersection, his patrol car was struck by Rayner's minivan. Id. The deputy testified he never saw the minivan as his view was obstructed by the other vehicle. Id.

On appeal, the Court noted that while he entered the intersection from an improper lane, against the red light, and with an obstructed view of Highway 18, at most the deputy may have been negligent for failing to exercise due care, but his conduct did not rise to the level of reckless disregard for the safety and well-being of others under the MTCA. Id. at 313. The Court found as with Officer Latch's conduct in Davis 873 So.2d 1059, the deputy appreciated the dangers inherent in crossing the intersection with an obstructed view of oncoming traffic. Id. at 311. His safety measures – looking both ways, cautiously creeping into the intersection, and staying on alert for oncoming traffic – demonstrate he exercised care. Id. The Court also found similarities with Maldonado 768 So.2d 906 where a deputy sheriff was cognizant of the dangers posed by the nature of the intersection and took precautionary measures by looking in both directions before proceeding. Id. at 310.

In City of Jackson v. Presley, 40 So.3d 520 (Miss.2010), the Supreme Court reversed the Court of Appeals and the trial court's finding that an officer involved in a collision at a busy intersection acted with reckless disregard when responding to a call that a man was lying in

the street, unresponsive and bleeding. Officer Morton was patrolling in heavy traffic near the “five-points” intersection in Jackson when she received the dispatch call. Id. at 522. After having difficulty navigating traffic, she took an alternate route. Id. With blue lights and siren, she entered the busy intersection against the red light at approximately 5 miles per hour. Id. A large truck obstructed Officer Morton’s view and she was unable to see Presley. Id. Presley’s view was also obstructed by the same truck. Id. Presley and Officer Morton passed the truck at precisely the same time, and Officer Morton’s vehicle struck the right passenger side of Presley’s pickup truck. Id.

The Supreme Court noted the facts in this case were remarkably similar to those in Rayner. Id. at 523. Presley, attempting to distinguish the case from Rayner argued the “five-points” intersection is a higher risk intersection than the intersection in Rayner. Id. The Court stated while relevant, this fact alone is not enough to elevate Officer Morton’s conduct to reckless disregard. Id. at 524. Like Deputy McCarty in Rayner, Officer Morton exercised precautionary measures by using blue lights, sirens, activating her buzzer to alert traffic, crossing one lane at a time, traveling at 5 miles per hour, and attempting to take alternate routes. Id. The Court noted such actions hardly can be characterized as reckless and indifferent to the safety of others and did not “evinced an abandonment of all care” or show a “conscious indifference to consequences, amount almost to a willingness that harm should follow [.]” Id. at 524.

Finally, in McKay v. Choctaw County ex rel. Choctaw County Board of Supervisors, 312 So. 3d 404 (Miss. Ct. App. 2021), deputy Miller responded to a medical emergency with lights and siren while traveling approximately 10 miles per hour over the posted speed limit. Id. Ralph Bowie, stopped at the intersection with Highway 12, failed to notice deputy Miller approaching. Id. Bowie turned left onto Highway 12 and struck the right side of deputy Miller’s vehicle causing Miller to collide with the plaintiff’s vehicle. Id. The trial court determined deputy Miller utilized his lights and siren, accelerated to 65 miles per hour in a 55 mile per hour zone, and that he successfully passed two slow-moving vehicles yielding

to his lights. Id. On appeal, the Court stated “[b]ased on all the evidence, a reasonable fact-finder could find that the cause of this unfortunate wreck was Bowie’s negligence in driving directly into the side of Miller’s patrol car. A reasonable fact-finder could also find that Miller was not deliberately or consciously indifferent to any high probability of harm. [citations omitted].” Id.

III ANALYSIS

Plaintiff bears the burden of proving reckless disregard by a preponderance of the evidence. Hinds Cty. v. Burton, 187 So.3d 1016, 1022 (Miss. 2016). Fanning must show (1) Laws appreciated or was aware of the unreasonable risk involved, and (2) Laws deliberately disregarded that risk and the high probability of harm. Our case law requires an examination into the totality of the circumstances and such findings must be based on substantial, credible, and reasonable evidence. City of Jackson v. Brister, 838 So.2d 274, 279 (Miss.2003).

At trial, the City asserted Fanning had a duty to yield to Laws regardless of whether he had a green light at the intersection. The authority for this argument can be found in Miss. Code Ann. § 63-7-19(1)(a) which provides “police vehicles used for emergency work may be marked with blinking, oscillating or rotating blue lights to warn other vehicles to yield the right-of-way.” Plaintiff responds by citing Miss. Code Ann. § 63-3-315 to show Officer Laws had a duty to slowly clear the intersection before proceeding. Miss. Code Ann. § 63-3-315 states “[t]he driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past such red or stop sign or signal.” Officer Laws, had a duty to slow down as necessary for safety when approaching the red traffic light. Only after reducing speed could Officer Laws proceed cautiously through the intersection.

Additionally, Plaintiff asserted under Miss. Code Ann. § 63-3-517 Officer Laws was required to activate his siren when traveling above the speed limit. Section 63-3-517 states “[t]he speed limitations set forth in this article shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal

by bell, siren, or exhaust whistle. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.” The uncontested facts show Officer Laws did not use his siren.

In Rayner, 25 So.3d 305 Deputy McCarty appreciated the dangers inherent in crossing an intersection with an obstructed view of oncoming traffic. The Court found by looking both ways, cautiously moving into the intersection, and staying on alert for oncoming traffic he exercised care. Id. at 307. The Court determined at most he may have been negligent for failing to exercise due care, but his conduct did not rise to the level of reckless disregard for the safety and well-being of others under the MTCA. Id. at 310. Officer Laws confirmed for the past nine years he has been employed by the Meridian Police Department. As an experienced officer, Laws appreciated the unreasonable risk associated with crossing against a red light at 78 miles per hour when he had an obstructed view of cross traffic. At trial, Laws confirmed if another vehicle entered the intersection on a green light as he crossed at 78 miles per hour against a red light it was reasonable to expect they would be injured.

Furthermore, unlike Davis, 873 So.2d at 1059 where the officer was consciously aware of the nature of the intersection and took specific steps to avoid any accident, Officer Laws did not. As seen in the video footage, as Laws approaches the third intersection, traffic signal at 39th Avenue is clearly visible as green. As Laws crosses through the third intersection, the signal at 39th Avenue turns red. Laws understood that at this intersection his view of cross traffic was obscured by a building on the corner. When he ran the red light at 39th Avenue he was traveling at 78 miles per hour, 43 miles per hour over the posted speed limit of 35 miles per hour. Officer Laws had several options available to him. He testified he could have stopped at each red light, he could have decreased his speed and cleared cross-traffic before proceeding, or he could have activated a short burst of his siren before proceeding through against the red light.

The City cites Maldonado, 768 So.2d 906 for the proposition that crossing the intersection with an obstructed view does not equate reckless disregard. In response, Fanning distinguishes Maldonado where the officer came to a complete stop, looked both ways, and was hit by oncoming traffic. Officer Laws did not stop at the red light before making a determination that he could proceed, nor did he slow to a speed that would give him time to react to cross traffic. Unlike the officer in Maldonado who took all possible measures to avoid the collision, Laws took none.

Applying the case law established by our appellate courts, the Court finds that Officer Laws, an experienced officer, was aware of the unreasonable risk involved with crossing through the intersection of 39th Avenue with an obscured view of cross traffic. Officer Laws was required to “slow down as necessary for safety [and] proceed cautiously past such red or stop sign or signal.” Miss. Code Ann. § 63-3-315. The video evidence shows Laws did not reduce his speed as necessary and did not proceed cautiously when crossing the intersection at 78 miles per hour. Officer Laws did not engage his siren, and as neither Fanning nor Laws could see the other approaching, an accident was bound to occur. Under the totality of the circumstances, the facts in this case demonstrate Officer Laws acted with reckless disregard for the risks involved and the high probability of harm. His actions show a conscious indifference for the safety of others by crossing the intersection against the red light, with an obstructed view of cross traffic, while traveling 43 miles per hour over the speed limit.

A COMPARATIVE NEGLIGENCE

Under Mississippi’s pure comparative negligence standard, the Court must consider whether Fanning’s actions contributed to the incident and his injuries. Miss. Code. Ann. §11-7-15 provides:

In all actions hereafter brought for personal injuries, or where such injuries have resulted in death, or for injury to property, the fact that the person injured, or the owner of the property, or person having control over the property may have been guilty of contributory negligence shall not bar a recovery, but damages shall

be diminished by the jury in proportion to the amount of negligence attributable to the person injured, or the owner of the property, or the person having control over the property.

The City pled comparative negligence as a defense, and at trial, their expert on accident reconstruction, Jason Walton, testified that in his opinion Fanning's actions were a proximate cause of the collision. Walton's opinion was that Fanning could have seen the blue lights reflecting off the surrounding buildings and street signs before entering the intersection and that if Fanning had applied his brakes and yielded to Laws when he cleared the building on the corner of 39th Avenue, the collision could have been avoided.

Fanning offered Tim Corbitt as an expert on accident reconstruction, law enforcement procedure, police tactical driving, and police defensive driving. Corbitt testified based on his calculations approximately 4.8 - 5.0 seconds elapsed from the time Fanning accelerated from the stop line on 39th Avenue to the point of impact. In Corbitt's opinion traveling at 77 miles per hour if Laws had applied heavy braking (75%) and maintained his course in the left lane of 8th Street he could have slowed to approximately 25-26 miles per hour and avoided the collision with Fanning.

After hearing testimony from both expert witnesses and reviewing their reports, the Court makes the following findings. Fanning complied with the rules of the road by stopping at the red traffic signal and proceeding through when his light turned green. Due to an obstructed view of westbound traffic on 8th Street from his position at 39th Avenue, Fanning did not see Officer Laws' vehicle approaching the intersection. Only when his view was no longer obstructed did Fanning notice the speeding vehicle. Fanning attempted to avoid the collision but was unsuccessful. As a result, the Court concludes that there was no contributory negligence on the part of Fanning.

B DAMAGES

At trial, the Court heard testimony from David Fanning and two expert witnesses: Dr. Chris Wiggins, an expert in medicine and orthopedic surgery, and Bruce Brawner, an expert in vocational rehabilitative services and social security disability evaluation.

Bruce Brawner testified regarding Fanning's employability and post-incident wage earning capacity. He reviewed Fanning's medical and employment records, along with Dr. Chris Wiggins' expert opinion and produced a vocational rehabilitation evaluation introduced as Plaintiff's Exhibit 21. According to Brawner's expert opinion, Fanning's pre-incident earning capacity was \$16,152.00. According to Brawner, working 40 hours a week at \$7.25 an hour Fanning's annual wage loss amounted to \$1,072.00. Brawner found Fanning would have a remaining work life 5 years before reaching full Social Security retirement age of 67. Multiplying Fanning's annual wage loss by 5 years, his remaining work life, Brawner found Fanning's total future wage loss amounted to \$13,436. He calculated Fanning's total post-incident past loss income as \$79,228.00. In total Brawner found Fanning's past and future wage loss due to the accident amounts to \$92,664.00. Therefore, the Court finds Fanning's past and future wage loss due to the accident amounts to \$92,664.00.

After hearing expert testimony from Dr. Chris Wiggins and Bruce Brawner and reviewing Fanning's medical statements along with the breakdown of past medical expenses in Plaintiff's Exhibit 25, the Court finds Fanning is entitled to recover \$115,423.51 in past medical expenses. Dr. Chris Wiggins reviewed medical records, documents, and performed an examination of Fanning. His findings are detailed in a written report introduced at trial as Plaintiff's Exhibit 16. In 2001 Fanning underwent a procedure to repair a torn right rotator cuff. Fanning has a history of chronic neck and chronic lower back pain going back to around the same time. As a result of the incident he sustained injuries to both shoulders and his right knee. After hearing testimony and reviewing the records the Court finds Fanning is entitled to recover \$50,000 for future medical expenses.

Finally, Fanning testified he has difficulty sitting and standing for extended periods of time and limited mobility in both shoulders. After the accident, Fanning underwent the following surgical procedure: (1) right should surgery, (2) left shoulder surgery, (3) right knee surgery, and (4) carpal tunnel surgery. According to Dr. Chris Wiggins and Bruce Brawner, Fanning reached maximum medical improvement on April 26, 2022 and has a total

21% permanent partial impairment whole person. Based on Fanning own testimony and testimony from Dr. Chris Wiggins and Bruce Brawner, the Court finds Plaintiff is entitled to \$50,000 for pain and suffering.

IV CONCLUSION

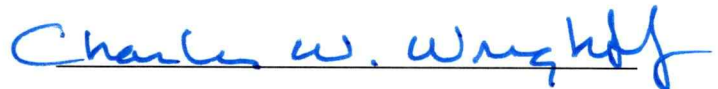
In summary the Court finds that under the totality of the circumstances Plaintiff has met his burden of proving reckless disregard by a preponderance of the evidence.

IT IS THEREFORE ORDERED AND ADJUDGED that Judgment is entered on behalf of Plaintiff David Fanning against the City of Meridian. Judgments shall be in the amount of \$308,087.91. The Staff Attorney shall provide all parties with this Order.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendant's Motion for Summary Judgment that this Court held in abeyance is denied by this ruling.

IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff shall submit a Judgment consistent with this Order.

SO ORDERED, April 5, 2023

A handwritten signature in blue ink that reads "Charles W. Wright Jr." with a horizontal line underneath the name.

CHARLES W. WRIGHT JR

CIRCUIT COURT