

The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

December 2010

Statewide Jury Verdict Coverage

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The nation's most innovative jury verdict publisher has come to Louisiana - for 15 years, we've done original, on-the-ground and in-the-courthouse research on verdict results in Alabama, Tennessee, Kentucky, Indiana and Mississippi. In November, we introduced the newest addition to our line-up, *The Louisiana Jury Verdict Reporter*.

We've again traveled the highways and byways, digging out the details at the courthouse. Every month, the La JVR brings you timely coverage of civil jury verdicts from all over the state. We are regularly communicating with court officials and endeavor to report every civil verdict we can uncover in state and federal court. More details on subscribing are inside or call us toll-free at 1-866-228-2447. **Introductory rates start at \$199.00.**

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Civil Jury Verdicts

Timely coverage of civil jury verdicts in Mississippi including court, division, presiding judge, parties, case number, attorneys and results.

Products Liability - A highly regarded major league prospect suffered fatal injuries in a Ford SUV rollover – his estate valued his economic loss (assuming he was of All-Star capability) at from \$112 million to \$147 million – while wage loss was just \$56,000,000 of the verdict, this was a pre-tort reform lawsuit and the

caps were not applicable – the case settled before the punitive damages phase

Cole et al v. Ford Motor Company, 12-0076

Plaintiff: C. Tab Turner, *Turner & Associates*, Little Rock, AR, Wayne E. Ferrell, Jr., James W. Nobles, Jr. and Angelo J. Dorizas, Jr., Jackson, Theodore J. Leopold, *Leopold-Kuvin*, West Palm Beach, FL and Thomas L. Tullos, Bay Springs

Defense: Michael B. Wallace and Rebecca W. Hawkins, *Wise Carter Child & Caraway*, Jackson, Walker W. Jones, III, Barry W. Ford, J. Stephen Kennedy and Brad C. Moody, *Baker Donelson Bearman Caldwell & Berkowitz*, Jackson and R. Gordon Sproule, Jr. and J. Patrick Strubel, *Huie Fernambucq & Stewart*, Birmingham, AL

Verdict: \$130,000,000 for estate of Brian Cole; \$1,500,000 for Ryan Cole
Court: **Jasper**

Coming in the January 2011 Edition of the
Mississippi Jury Verdict Reporter

Federal - Oxford - Plaintiff broke both arms in a fall over a grocery store barricade - \$1,150,000

Hinds County - Toddler badly bitten by neighbor's dogs - \$125,000

Laurel County - Asbestos exposure - \$15,198,400

Lauderdale County - Delay in delivering a healthy child led to an infection complication for the mother - \$25,000

Lee County - Plaintiff badly injured and blamed roadway design - Directed verdict

Hinds County - Plaintiff injured by a suddenly dropping elevator - \$602,000

Pearl River - Bladder nicked during a hysterectomy - Defense verdict

And many more

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Judge: Billy Joe Landrum

Date: 9-2-10

Brian Cole, age 22, was a highly regarded major league prospect in March of 2001. The previous summer, Cole, an outfielder, had starred in Class A baseball in Florida. His talent compared favorably to another minor leaguer, Albert Pujols, who has since gone on to stardom with the St. Louis Cardinals.

Brian, a Meridian native, had been both a high school baseball and football star. He selected baseball and was an 18th round selection by the New York Mets. On the key date in this case, Brian was traveling near the Florida-Georgia stateline on his way back from spring training. He was piloting a 2001 Ford Explorer Sport.

While traveling at some 80 mph, the Explorer suffered a tire blow-out. Brian lost control of the SUV and it rolled over. In that process (it was a one-car accident), Brian was ejected. His injuries were catastrophic and he died soon after at a Florida hospital. There was however evidence (some contested) of his conscious pain and suffering. Ryan too was badly hurt (he was not ejected) and has complained of a traumatic brain injury.

In this lawsuit, Brian's estate and Ryan individually, sued Ford and alleged the Explorer was defective. They focused on stability, the SUV being susceptible to roll over. Similarly, the estate developed that Brian was wearing his seat belt, the restraint failing to keep him inside the vehicle.

See the December issue for the full report on this case and all of these snapshots.

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Medical Malpractice - The plaintiff died of a bleed injury, his estate alleging his doctors mismanaged a stomach ulcer

Hamil v. Cleveland et al, 07-34

Plaintiff: Larry Stamps and Alton E. Peterson, *Stamps & Stamps*, Jackson

Defense: Whitman B. Johnson, III and Lorraine W. Boykin, *Currie Johnson Griffin Gaines & Myers*, Jackson for Cleveland Stephen P. Kruger and Kristopher A. Graham, *Page Kruger & Holland*, Jackson for Smith-Vaniz

Mark P. Caraway, *Wise Carter Child & Caraway*, Jackson for Central Mississippi Medical Center

Verdict: \$1,128,050 for plaintiff assessed against all three defendants

Court: **Hinds**

Judge: Winston Kidd

Date: 5-27-10

Dump Truck Negligence (Catastrophic) - An overloaded dump truck (by 20,000 pounds) and with just one functional brake ran a red light and crashed into the plaintiff - the plaintiff, just 16, suffered a permanent and catastrophic brain injury that has left him confined to a wheelchair

Bryant v. APAC-TN et al, 06-261

Plaintiff: Paul R. Scott, Hernando and Robert R. Morris, III, Batesville, both of *Smith Phillips Mitchell Scott & Nowak*

Defense: W. O. Luckett, Jr. and Brian Yoakum, *Luckett Tyner Law Firm*, Clarksdale for APAC-TN

Verdict: \$30,000,000 for plaintiff assessed 70% to APAC and 10% to Everything Wholesale

Court: **DeSoto**

Judge: Robert P. Chamberlain

Wrongful Death (Pedestrian) - An elderly pedestrian was run over in a hospital parking lot and sustained fatal injuries - the defendant, who was backing from a parking spot, would explain that while he looked, he simply didn't see the woman

Payne v. Gowdy et al, 09-77

Plaintiff: Rocky Wilkins, *Rocky Wilkins Law Firm*, Jackson and Henry W. Palmer, Meridian

Defense: Justin S. Cluck, *Smith Whaley*, Holly Springs for Gowdy David C. Dunbar and Morton W. Smith, *Dunbar Monroe*, Ridgeland

Verdict: Defense verdict on liability

Court: **Lauderdale**

Judge: Lester F. Williamson, Jr.

Date: 8-13-10

Medical Malpractice - An obese high school football player (6'5" 297 pounds) was cleared to practice at a physical by a nurse - a day later he died at practice (in very hot weather) of heat stroke - his estate alleged negligence by the nurse in clearing the boy, especially in light of his size and elevated heart rate

Magee v. Green Tree Family Medical, 08-45

Plaintiff: Gerald P. Collier, *Stamps & Stamps*, Jackson

Defense: Robert D. Gholson and Noel A. Rogers, *Gholson Burson Entekin & Orr*, Laurel

Verdict: \$750,000 for plaintiff assessed 50% to the defendant

Court: **Covington**

Judge: Robert G. Evans

Date: 10-22-09

Auto Negligence - A right of way crash left the plaintiff with a shoulder impingement

Frierson v. Lee, 09-61

Plaintiff: David P. Pitre, *Silbert Garon & Pitre*, Gulfport

Defense: V.K. Smith, III, *Bryan Nelson*, Hattiesburg

Verdict: \$100,000 for plaintiff

Court: **Pearl River**

Judge: Prentiss Harrell

Date: 5-20-10

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Never before have Mississippi attorneys (both for the plaintiff and the defense) as well as the judiciary and other interested parties had such a comprehensive compilation of jury verdict results. The MSJVR moves the resolution of civil cases out of the realm of hearsay, of rumor, of courthouse gossip, to real results. Real trials. Real facts. Real verdicts.

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