

The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

January 2022

Statewide Jury Verdict Coverage

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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. Notable results from the southern region, including Memphis and New Orleans, are also covered.

Civil Rights - The plaintiff, a state prisoner serving a 25-year sentence for sexual battery, suffered from crippling rheumatoid arthritis and a “free world” non-prison orthopedic specialist indicated he needed a hip replacement surgery in 2011 – the surgery never happened and the prisoner sued state officials alleging 8th Amendment violations

DeLaughter v. MS Department of Corrections, 1:14-18

Plaintiff: Christopher E. Smith and G. Morgan Holder, *Smith & Holder*, Gulfport

Defense: J. Chadwick Williams and Brittney S. Eakins, *Assistant Attorneys General*, Jackson

Verdict: \$382,000 for plaintiff

Federal: **Gulfport**

Judge: Robert H. Walker

Date: 12-15-21

Thad DeLaughter was convicted in 2006 of sexual battery in Walthall County and received a 25-year sentence. DeLaughter has suffered from crippling rheumatoid arthritis since he was a child. At the time of his incarceration, he had already undergone bilateral hip and knee replacements.

In January of 2010 and while a state prisoner, DeLaughter began to complain of severe pain in his left hip. An x-ray taken a month later was suspicious for dislocation. A Department of Corrections (DOC) doctor approved a consultation with a so-called “free world” non-prison orthopedic specialist. The request was forwarded to DOC’s Chief Medical Officer, Dr. Gloria Perry.

DeLaughter was transferred to Southern Mississippi Correctional Institution (SCMI in Louisville, MS) in October of 2010. He immediately saw the prison’s Healthcare Administrator, Michael Hatten. He asked for help in seeing an orthopedist. DeLaughter was finally seen by Dr. Elliott Nipper, a Hattiesburg orthopedist in July of 2011. Nipper diagnosed a completely failed prosthetic left hip. A surgery was scheduled for that October. The night before the surgery, it was cancelled for no apparent reason. To this date ten years later, the surgery has still never been performed.

Over the next two years (2011 to 2013), DeLaughter made ongoing complaints of hip pain. Despite this nothing was done to reschedule the surgery or have him seen by an orthopedist. It wasn’t until September of 2013 (some two years later) that DeLaughter saw Nipper for the final time.

Thereafter DeLaughter filed a *pro se* federal lawsuit alleging a variety of defendants (including Hatten) had violated his 8th Amendment rights by failing to have the surgery performed. He did not initially sue Perry. The trial court (Gargiulo presiding) granted summary judgment for the defendants.

DeLaughter took a *pro se* appeal to the Fifth Circuit which appointed him appellate counsel. The court reversed in part in November of 2018 as to Hatten. It also ordered the trial court to appoint DeLaughter counsel. At this juncture plaintiff’s counsel (Smith and Holder) were appointed.