

The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

March 2022

Statewide Jury Verdict Coverage

13 MSJVR 3

In This Issue

Lamar County

Auto Negligence - \$400,000 p. 1

Madison County

Medical Malpractice -
Defense verdict p. 2

Simpson County

Auto Negligence - Defense verdict p. 3

Federal Court - Gulfport

Breach of Contract - \$200,791 p. 4

Lee County

Auto Negligence - Defense verdict p. 5

Federal Court - Oxford

Employment Retaliation - \$150,841 p. 5

Notable Tennessee Verdict

Memphis, Tennessee

Auto Negligence - \$300,000 p. 7

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.

Auto Negligence - The plaintiff linked a moderate brain injury to a rear-end crash – a jury in Purvis awarded the odd number of \$247,629 in non-economic damages all for a total of \$400,000

Harris v. Ratcliff et al, 17-91

Plaintiff: Daniel Waide, *Johnson*

Ratliff & Waide, Hattiesburg

Defense: Donna M. Meehan,

Cosmich Simmons & Brown, Jackson

Verdict: \$400,000 for plaintiff

Court: **Lamar**

Judge: Claiborne McDonald, IV

Date: 2-24-22

It was 7-30-15 and Lauren Harris, then age 30 and both a receptionist and steakhouse waitress, was stopped in rush hour traffic on Hwy 98 in Hattiesburg. Behind her in traffic was Deborah Ratcliff who was working as a pharmaceutical sales representative for Arbor Pharmaceuticals – she'd been working that day in Brookhaven and was returning home to Hattiesburg.

Harris slowed in traffic for another accident. Ratcliff didn't appreciate the traffic was slowing down. Ratcliff rear-ended Harris. It was a hard hit and knocked Harris' vehicle into the next car. The Harris vehicle was totaled. Fault was not disputed. Harris declined care at the scene – a friend who was in the area gave her a ride home.

Harris went to work the next day and she appeared to be in a fog of sorts – her boss urged her to seek treatment. She promptly reported to the ER. She has since treated for a cervical disc injury, a concussion and more persistently for a moderate

traumatic brain injury.

Harris reports cognitive dysfunction, memory loss, mood change and PTSD. She has also undergone a course of pain management care. Harris presented appropriate proof of her injuries from her medical providers.

In this lawsuit Harris sought damages from Ratcliff and Ratcliff's employer. That included medical bills, lost wages, future lost wages and non-economic damages. Her damages were quantified by two experts, Lacy Sapp, Vocational, Metairie and George Carter, Economist, Hattiesburg.

The defense minimized the claimed injury and noted there was no injury at the scene. It was suggested that Harris (at worst) suffered a temporary soft-tissue strain and has fully recovered.

The defense also looked to proof from an IME, Dr. James Irby, Neuropsychology. Irby believed that Harris had not sustained a "major" brain injury – he thought it was initially moderate and now called it very mild and resolving. Irby also indicated the claimed brain injury had a somatic element to it.

This case first came to trial in June of 2021. A mistrial was declared after there was confusion about the an exhibit that reflected diffusion tensor imaging of Harris' brain.

The case was tried again a second time eight months later. The jury considered damages only. Harris took medicals of \$47,497 plus \$954 for property damage. Her lost wages