

The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

April 2011

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 Memphis, TN are also covered.

Premises Liability - A family of three alleged they suffered injuries because of a leaky apartment – importantly, the father, a self-described inventor of Bible-based board games alleged that millions in profits were lost when his proprietary designs were destroyed

Ohazurike v. Parham Pointe South et al, 07-1234

Plaintiff: J. Ashley Ogden and James W. Smith, Jr., *Ogden & Associates*, Jackson

Defense: Jamie D. Travis, *Page Kruger & Holland*, Jackson for Parham Pointe South

Benny “Mac” May, *Dunbar Monroe*, Ridgeland for Ballard Realty

Verdict: \$3,603,712 for plaintiffs

Court: **Hinds**

Judge: Winston Kidd

Date: 7-16-10

Benny Ohazurike and his wife, Esther, moved into the Parham Pointe South Apartments in Jackson in 2001. They lived there with their minor son, Darlington. The property is managed by Ballard Realty. Important to this case, Ohazurike is a designer of Bible-based board games. While to date, Ohazurike hasn’t generated any profits from his games, he has generated several valuable designs that were ready for the market.

Moving forward to 2007, the Ohazurike apartment was plagued by a leaky pipe in their bathroom. For some six weeks they begged management to fix the leak. There was no fix. The problem escalated in May of 2007 when the pipe burst and flooded the apartment. Benny’s blueprints and designs for his games were destroyed.

It was alleged that following the water leakage, the apartment management was dilatory in repairing the damage. This led to the development of mold and mildew which spread through the apartment. All three Ohazurikes linked

injuries to this mold, including Darlington (then age 3) who has complained of coughing, illness and scarring.

In this lawsuit, the Ohazurikes sued the apartment complex and the management company alleging negligence in failing to maintain the premises. That included both the failure to make repairs before the water leak and then not replacing mildewed carpet after it. It was the plaintiff’s proof at trial that their many complaints and written requests for repairs were ignored and sometimes simply thrown in the garbage.

The three plaintiffs sought damages for personal injury, Benny also seeking lost profits (of some \$17 million) for his damaged board games. It was the plaintiffs proof that his games were market-ready and he had an order waiting for 60,000 units. Plaintiffs’ board game expert was Jeffrey Chance, Hazlehurst.

Defendants disputed that there was water damage and suggested plaintiffs had suffered no personal injury. Particularly, a company maintenance man went to the apartment and could find no water damage. [Plaintiffs countered that the water was 6 to 8 inches deep.] It was also argued that the damages related to the board games were speculative. Diminishing the economic loss for defendants was Jim Koerber, CPA, Hattiesburg.

The jury’s verdict was for the Ohazurikes on liability finding the defendants solely at fault. [There was no apportionment between those defendants.] Then to damages, Benny took medicals of \$2,208 plus \$500,000 for suffering. His lost profits were valued at \$2,000,000.

Esther took medicals of \$253 and \$500,000 more for suffering. Finally little Darlington took medicals of \$1,251 and \$100,000 for permanent disfigurement. His pain and suffering was \$500,000 as well. The combined Ohazurike verdict totaled \$3,603,712.