

# The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

June 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.

**Truck Negligence - An elderly woman was involved in a minor sideswipe fender bender in an area locally known as "The Stack" on I-55 near Jackson – then as she was trying to move her vehicle to the emergency lane, but was struggling because of heavy traffic, a trucker struck her vehicle and she was killed – in this lawsuit the woman's three adult sons sued the trucker and blamed him for failing to keep a proper look-out – each son took \$200,000 each for that consortium interest, all less 60% comparative fault that was assessed to their mother**

*Crechale v. Carroll Fulmer Logistics*, 3:19-617

Plaintiff: Michael Saltaformaggio and Mack A. Reeves, *Maggio Thompson*, Jackson, Robert G. Barlow, *Barlow Law Firm*, Flowood and J. Ashley Ogden, *Ogden & Associates*, Jackson

Defense: James R. Moore, Jr. and C. Landon Kidd, *Copeland Cook Taylor & Bush*, Ridgeland

Verdict: \$632,956 for plaintiffs less 60% comparative fault

Federal: **Jackson**

Judge: Henry T. Wingate

Date: 5-20-22

There was a tragic and catastrophic car versus truck crash near Jackson, MS on noon at 8-26-19. It occurred on northbound I-55 in a part of the road referred to locally as "The Stack." The plaintiff, Carolyn Crechale, age 85, was driving a Cadillac sedan when she became involved in a sideswipe fender-bender with another vehicle.

Crechale remained in the traveled portion of the highway. She had her flashers on. Crechale had difficulty merging off the traveled portion of the interstate because of heavy traffic. She was able to make a call to one of her three sons (Michael) and was explaining to him that cars were coming too fast and wouldn't let her over.

At the same time a trucker (David Brooks) for Carroll Fulmer Logistics was approaching. There was proof he was speeding at 65 mph. Brooks could not evade Crechale's vehicle and crashed into it. The impact destroyed her car. Brooks' truck veered into a guardrail, ran over that and then descended an embankment.

An ambulance was called to the scene and Crechale was taken to the ER at University of Mississippi Medical Center. She was dead on arrival from crash-related trauma.

In this lawsuit (filed in Rankin County and then removed to federal court by the defense), the estate alleged negligence by Brooks (and then vicariously by his employer, Carroll Fulmer Logistics) in rear-ending Crechale. An accident expert, Tim Corbitt, Jackson, believed Brooks had time to react and avoid the collision but for his speed and failure to keep a look-out. The entire crash was captured on a dashcam in Brooks' truck. Brooks for his part defended that he didn't have time to react and he also implicated the decedent for blocking the traveled portion of the highway.

The plaintiffs were Crechale's three adult sons, Michael, Phillip and



*The scene after the collision depicting the Crechale vehicle*

Kenneth. The claimed damages were Crechale's medical bills and funeral expense. Each of the sons also sought sums for their consortium interests.

The plaintiffs had sought sums for Crechale's pain and suffering. However the court granted a summary judgment for the defense on this question as per several bystanders who responded immediately to the crash and observed that Crechale was never conscious after the impact.

There was an interesting aside as

the brothers were somewhat estranged. Each pursued the case with their own attorney although for purposes of trial, the case was presented with a unified front. In fact they were so estranged that a will contest developed regarding Crechale's estate and this led to litigation in Hinds Chancery Court. This issue ended up being irrelevant as upon the plaintiff's motion in limine, any evidence regarding the will contest was excluded from the present trial, the court finding any

fraternal acrimony was unrelated to the loss of their mother's love and companionship.

The court entered a pre-trial order in advance of the trial. That order is a sealed court secret.

This case was tried for several days. The court's liability interrogatory was unusual. It first asked if the trucker (Brooks) was negligent. The jury answered yes.

The instructions then asked the jury to "tell us" in what ways (the jury could select from the following four)

Brooks was negligent: he failed to (1) keep a look-out, (2) maintain a safe distance, (3) keep his rig under control, and (4) drive at a reasonable speed. The jury could select all that applied. As it turned out the jury just “checked” the first option regarding a look-out. [Ed. Note - This jury charge seemed superfluous, the jury having already found Brooks at fault. What difference did it make which of the four ways he was at fault? It seems more likely to create confusion as what if the jury found Brooks at fault but then didn’t select any of the four listed ways.]

The jury went on to find the decedent at fault as well. Fault was assessed 60% to Crechale and the remainder to the trucker.

Finally the jury moved to damages. The estate took \$13,748 for the funeral expense and \$19,208 more for Crechale’s medical bills. Each of her three sons was awarded \$200,000 for their consortium interest which was defined as the loss of love, society and companionship. The raw verdict totaled \$632,956. The court entered a consistent judgment less comparative fault and particularly, each of the sons took a third of the special damages and \$80,000 in non-economic damages.

**Case Documents:**

[Jury Verdict](#)

[Final Judgment](#)

**Auto Negligence - A Pearl police officer sped through a residential area (at from 51-79 mph) as he raced to an emergency burglary call – the defendant pulled from a stop sign (the cop had the right of way) and a serious collision resulted – the cop suffered severe injuries and blamed the defendant (who had looked carefully but didn’t see the police car) for pulling in front of him**

*Scarborough v. Logan*, 17-32

Plaintiff: Keith D. Obert, *Obert Law Firm*, Madison and Willie T. Abston, *Abston Law Firm*, Flowood

Defense: R. Douglas Vaughn, *Deutsch Kerrigan*, Gulfport

Verdict: \$1,200,000 for plaintiff less 60% comparative fault

Court: **Rankin**

Judge: Dewey K. Arthur

Date: 5-26-22

Jason Scarborough, then age 43, was working as a police officer on 7-29-16 for the City of Pearl. He responded to an emergency burglary call that morning. Scarborough raced to the scene. There was proof he was traveling on residential Pemberton Drive.

Scarborough’s speed was later estimated at from 51-79 mph. The speed limit in the area was 25 mph. The neighborhood is densely populated and there is a nearby “Children at Play” sign. Scarborough’s blue lights were illuminated on his police cruiser.

At the same time Wanda Logan (who lives in the area) came to a stop sign at the intersection of Pemberton with the inferior Chotard Avenue. Logan came to the stop sign and looked both ways. It looked clear and she began to turn.

As Logan made her left turn onto Pemberton, she saw a blur. That blur was Scarborough’s speeding police

cruiser. A significant collision resulted and Scarborough sustained a variety of serious injuries.

Those injuries included a comminuted femur fracture, a tibial plateau fracture, a foot fracture, multiple broken ribs, chronic low-back pain, a mild traumatic brain injury and PTSD. The collision ended Scarborough’s career as a police officer. He is mostly wheelchair bound and often ambulates with a cane.

In this lawsuit Scarborough filed a lawsuit against Logan and blamed her for turning into his path. He cited that but for her inattention, she should have appreciated his police cruiser. A dashcam in Scarborough’s vehicle recorded the events from his perspective.

Scarborough’s damages were significant and included his medical bills, future medicals, life care plan and future lost earnings in addition to the non-economic damages. His identified experts were Dr. Howard Katz, Physical Medicine, Kathy Smith, Life Care Plan, Bill Brister, Economist, Shane Remy, Engineer and Mark Dunston, Law Enforcement Practices.

Logan denied fault for the crash and blamed Scarborough for speeding through the area. She noted an independent witness who indicated that Scarborough was traveling “very fast.” Her experts were Jerry Key, Accident Reconstruction and Dennis Waller, Law Enforcement Practices.

Logan had also pursued her own separate MTCA claim against Scarborough. It settled in March of 2019. Thus this trial solely concerned Scarborough’s personal injury claim.

This case was tried in Madison for four days. The jury’s verdict was mixed on fault. It was assessed 40% to Logan and the remainder to the