

The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

June 2023

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.

False Imprisonment - The plaintiff (a local councilman at a small town in Louisiana) was arrested he was detained and assaulted by casino security staff as he walked out – the casino countered the plaintiff was drunk and impersonated security and thus their actions were reasonable – the jury found for the plaintiff on all counts but elected to award him no damages

Doran v. Beau Rivage Resorts,
15-88/15-13

Plaintiff: Douglas L. Tynes, Jr.,
Tynes Law Firm, Pascagoula and
Mariano J. Barvie, *Hopkins Barvie &*
Hopkins, Gulfport

Defense: Michael R. Kelly and
Robert S. Addison, *Thompson*
Addison, Madison

Verdict: Defense verdict on
damages

Court: **Harrison**

Judge: Lawrence P. Bourgeois, Jr.

Date: 5-5-23

Kevin Doran visited the Beau Rivage Resort on Valentine's Day in 2014 with his fiancé. He traveled from his home in St. Tammany Parish in Louisiana. While his fiancé rested upstairs, Doran elected to play the casino's games of chance. After a short time he elected to walk to another nearby casino.

As Doran exited the casino at the main entrance, he briefly spoke with a female security guard. Moments later as he walked out, Doran was confronted by several more of the casino's security team and told to throw down his drink. Doran did in a breezeway and a moment later, he

alleged he was detained, assaulted and battered. Doran recalled being chased, grabbed and thrown against a truck.

Biloxi police were called to the scene and Doran was detained until the police arrested him. The charges were dismissed 11 months later. Doran first pursued a civil case against the Biloxi police officer that had arrested him for malicious prosecution. That case was dismissed in 2019 by summary judgment.

Doran also sued the casino and advanced three theories to trial, (1) false imprisonment, (2) assault, and (3) battery. The heart of this case was that there was no justification to attack and detain him. In terms of Doran's damages, he described being humiliated as they events played out at the front of the casino in front of many patrons. He also recalled his mugshot was on the internet which was searchable back home in Louisiana.

The casino had a different version of these events. They recalled that when Doran approached the first security guard, he was visibly intoxicated. Strangely there was also testimony that Doran had impersonated security himself and told the security that he had "walked out" several prostitutes. [Doran denied all this.]

In light of that behavior several more security guards approached him and asked for Doran's identification. When Doran refused and tried to flee, the officers detained him. They denied there was any attack of Doran

Indemnity/Insurance - The plaintiff, a manufacturer of electrical transformers for many years at a Crystal Springs, MS facility faced lawsuits in the early 2000s because of its PCB and TCA contamination at the facility some 50 years earlier – the plaintiff settled the claims which were resolved by 2015 – in this lawsuit (begun in 2007), the plaintiff alleged an insurer failed to indemnify for those claims (both in defending and failing to pay) based on so-called “long tail” policies from the 1960s and 1970s

Kuhlman Electric v. Travelers Insurance, 07-549

Plaintiff: James R. Figiulo and Stephanie D. Jones, *Smith Gambrell & Jones*, Chicago, IL, Melissa Eubanks, *Johnson & Johnson*, Beverly Hills, CA and J. Cal Mayo, Jr. and Kate M. Embry, *Mayo Mallette*, Oxford
 Defense: Charles W. Browning, Stephen P. Brown, Tonya M. Murray and Joshua R. LaBar, *Plunkett Cooney*, Bloomfield Hills, MI and William N. Reed and D. Sterling Kidd, *Baker Donelson Bearman Caldwell & Berkowitz*, Jackson

Verdict: \$25,242,810 for plaintiff on indemnity for plaintiff subject to post-trial adjustments

Court: **Hinds**

Judge: Jess Dickinson (Special)

Date: 4-13-22

Kuhlman Electric is a company that manufactured electrical transformer many years ago at a facility in Crystal Springs, MS. As a part of that process Kuhlman Electric (the plaintiff) utilized PCB and TCA contaminants. The plaintiff had so-called “long-tail” policies in place to cover these losses which resulted from conduct in the 1960s and 1970s. One of those insurers were Travelers.

Moving forward to the beginning of the 21st century, the plaintiff faced dozens of lawsuit from individuals and businesses (both commercial and personal injury) who claimed damages from the contamination. The litigation began when the Mississippi Department of Environmental Quality discovered the contamination. The cases eventually were all settled. Kuhlman Electric spent millions to defend itself in these cases (more than \$7.2 million) and many millions more to settle the underlying cases.

Travelers had denied the claim and argued among other things that policy was exhausted by an indemnity clause. That clause had been a part of a later merger between Kuhlman Electric and another company. Thus that clause governed and there was no coverage. The plaintiff thought this was an illogical and frivolous pretext to deny coverage.

This lawsuit began in 2007, the plaintiff suing Travelers and several other insurers to enforce coverage both for coverage and the underlying losses pursuant to the long-tail policies. All the insurers but for Travelers settled before trial. Thus the only defendant at this 2023 jury trial (some 16 years after it was filed and more than 50 years since the first insurance policy) was Travelers.

The trial process was interesting in this case. The trial began in February and juror qualification was conducted at the Hinds County Courthouse in Jackson. The trial then moved to the Penthouse Ballroom at the Jackson Hilton for jury selection and trial. The final several weeks of trial took place at the Advocacy Center at the Mississippi College School of Law.

Closing arguments were conducted on 4-11-23 and the jury returned with a completed verdict form. Kuhlman Electric prevailed on the duty to defend claim against Travelers as well on indemnification for both TCA solvents from 1971 to 1977 but not from 1966 to 1970 and PCB contamination from 1966 to 1970.

The duty to defend damages were \$7,209,733. The TCA indemnification award was \$14,288,371 while on PCB the indemnification was \$3,744,706. The total damages were \$25,242,810 and were consistent with the amount claimed by Kuhlman Electric.

The jury made an additional finding that Kuhlman Electric had failed to provide notice of the occurrence. The jury then made a factual finding that Kuhlman Electric was entitled to a 40% reduction for PCB indemnification because of this notice issue.

At the time of this report no final judgment has been entered. The court has asked the parties (and they’ve complied in sealed motions) for guidance on the allocation of the amounts awarded based on the policy limits. It is not clear presently how that final judgment will award damages to Kuhlman Electric.

Case Documents:

[Amended Complaint](#)

[Jury Instructions](#)

[Jury Verdict](#)