

The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

July 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.

Medical Malpractice - A hospital nurse (working for a private company) was blamed for mismanaging an elderly patient's fall protocols – this purportedly led to the patient's fall and a fatal hematoma – the nurse denied fault and blamed the plaintiff's death on a sudden cardiac event – a jury in Greenville heard the case for a week and then deliberated just seven minutes before rejecting it

Seale v. Smith, 17-921

Plaintiff: George F. Hollowell, Jr.,

Hollowell Law Firm, Greenville and

Andrew F. Tominello, Greenville

Defense: David W. Upchurch and

John M. McIntosh, *Upchurch &*

Upchurch, Tupelo

Verdict: Defense verdict on liability

Court: **Washington**

Judge: Carol White-Richard

Date: 6-17-22

Ted Seale, age 79, was admitted to Delta Regional Medical Center in Greenville on 6-15-16. He was being treated for shingles. Seale had a variety of co-morbidities at his admission including a history of cardiac issues and Alzheimer's Disease. Seale was assessed at a high risk for falls.

Megan Smith, a nurse working for a private firm, Jackson Nursing Professionals, came on her shift that evening at 7:00 p.m. Smith was Seale's staff nurse. An hour or so later she went to see Seale to introduce herself and take his vitals. Seale was sleeping and she left him to rest. In the interim she made rounds with other patients and in that process had to deal with an

emergency.

Smith returned to see Seale at 9:10 p.m. He was found on the floor. He was cold and clammy. He also had a cut to his head. A code was called but Seale was pronounced dead a few minutes later.

In this lawsuit (pursued by Seale's three adult children), the estate alleged error by Smith in managing his care. An RN expert, Kim Stonecypher, Flowood, asserted that because Seale was at high risk of falling, Smith should have assessed him at the beginning of her shift. This was especially so as Seale had an abnormal vital sign, namely, low blood pressure. Smith should have also made sure a bed alarm was in place – Seale was simply found on the floor and it wasn't clear exactly when he fell.

The plaintiff's case drew a causal link from the fall to Seale's death from a head injury. A second expert for the estate was Dr. Kenneth Stein, Internist, who discussed both causation and the standard of care. The court had excluded Stonecypher's causation opinions. The theory then was that, (1) Seale wasn't assessed at the start of the shift, (2) this led to his fall, and (3) the avoidable fall resulted in a fatal head injury. The claimed damages represented the children's loss of Seale's love and companionship. The instructions held Smith to the "nurse negligence" standard of care.

The litigation was complicated as the estate sued not just Smith and her professional group, Jackson Nursing