

The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

August 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.

Premises Liability - The plaintiff (age 76) was leaving the ER (she'd been in an auto accident earlier in the day and broke her rib) and was being wheeled to a waiting vehicle – when she stood up to enter the vehicle, she tripped over a pothole and broke her femur – a Jackson jury found the hospital solely at fault and awarded economic damages of \$79,869 and \$270,131 more for the non-economic variety all equaling the round number of \$350,000

Martin v. St. Dominic's Hospital, 20-80

Plaintiff: Yancy B. Burns, *Burns & Associates*, Jackson and Marcus A. Williams, Jackson

Defense: John E. Wade, Jr. and Alston F. Ludwig, *Brunini Grantham Grower & Hewes*, Jackson

Verdict: \$350,000 for plaintiff

Court: **Hinds**

Judge: Adrienne H. Wooten

Date: 7-22-22

Merilyn Martin, age 76, had a difficult day on 10-24-18. She was first involved in an automobile accident. The crash left her with a broken rib. She was treated that day at the ER at St. Dominic's Hospital in Jackson. Later in the evening she was discharged.

Martin was taken out of the hospital in a wheelchair by a family member. Her son was waiting in the parking lot. The wheelchair was taken near the passenger side door. Martin stood up and walked around the open door to take a seat in the vehicle.

At this location there is a storm drain. The area around the drain was

sloped. There was proof the asphalt on that slope was jagged and there was broken asphalt.

Martin tripped in the area next to the storm drain. She landed hard and suffered a fractured femur in her right thigh in the area of a prior hip replacement surgery. Martin also suffered a cut to her elbow.

Martin was immediately taken into the hospital. The fracture was not operative. Martin underwent a lengthy hospitalization that included inpatient physical therapy. A period of home health physical therapy followed. The fracture healed within seven months but because of several co-morbidities, Martin never fully recovered or reached her pre-fall baseline.

Martin sued the hospital and alleged negligence regarding the condition of the area around the storm drain. She described the area as a deep and jagged pothole that was littered with broken asphalt. The condition was described as a longstanding defect that was caused by vehicle traffic, deferred maintenance and water running off into the drain.

Martin also developed proof that the area was dimly lit and thus the hazard was difficult to see as it blended with the pavement. In fact she indicated there were two potholes and she dodged one before tripping on a second one. In developing her case Martin relied on an architect expert with experience designing retail parking lots, Mark Williams, Charleston, SC. If Martin prevailed at trial she sought both economic and