

The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

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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.

Products Liability - The plaintiff, a maintenance worker in Leflore County, was making repairs on the civic center ceiling and was thirty-feet aloft on a boom lift – the lift collapsed and the plaintiff was killed in the resulting fall – the jury awarded damages of nearly \$10,000,000 (assessed 90% in the judgment) were reduced by Mississippi’s tort scheme to just \$1.103 million against the defendant

Anthony v. Genie Industries, 19-74
Plaintiff: Benny Agosto, Jr., Lena B. Lorenzo and Jon Agosto, *Abraham Watkins Nichols Sorrells Agosto & Aziz*, Houston, TX and Edward Blackmon, Jr., *Blackmon & Blackmon*, Canton
Defense: Paul V. Cassisa, Jr. and Edderek L. “Beau” Cole, *Butler Snow*, Oxford
Verdict: \$9,864,571 for plaintiff assessed 90% to the defendant
Court: **Leflore**
Judge: Carol White-Richard
Date: 5-23-23

Leroy Anthony, then age 68, was a long-time maintenance worker for the government of Leflore County. Anthony was making repairs on the roof of the Leflore County Civic Center Arena on the second day of the year in 2018. He was some thirty-feet aloft on a articulating boom lift manufactured by Genie Industries. Leflore County had rented the lift from Mid-South Rentals. The lift was described as a “towable aerial device.”

Suddenly the lift collapsed on itself. Anthony was killed in the resulting fall as the lift slammed to

the ground. He was survived by his wife, Mary and adult daughter, Brendetta.

Anthony’s estate alleged the boom lift was defective. The purported defect was that the lift could not support Anthony’s weight when fully extended. This caused an anti-rotation pin to snap and pop out at a critical assembly joint – this in turn led to the lift’s collapse. The plaintiff also alleged negligent warning by Genie. The plaintiff’s key expert was Anthony Bond, Engineer, St. Louis, MO.

The Anthony estate originally filed this lawsuit in federal court in Oxford against Genie. The suit at that time enjoyed complete diversity. The plaintiff later amended their complaint to name Mid-South Rentals. The presiding Judge Michael Mills then dismissed the case without prejudice as there was no longer complete diversity. The federal case (Greenville) was styled *Anthony v. Genie*, 4:18-235.

In his order Judge Mills explained that the estate had acted in good faith, only learning after filing the lawsuit of Mid-South Rental’s exposure. The estate then refiled the action in Leflore County and it advanced to trial in Greenwood.

Genie defended on several fronts. It was critical of Leflore County’s failure to maintain and inspect the lift. It also denied there was a defect in the lift or that the warnings were inadequate. The jury could assess fault to the non-party Leflore County.

This case was tried over seven days in the middle of May this year and the