

# 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.

**Oil Change Negligence - The plaintiff suffered soft-tissue injuries after a bad oil change and tire rotation when the technician failed to tighten the lug nuts on a front tire in the plaintiff's vehicle – as the plaintiff drove away from the "quick lube" facility, the wheel rolled off the car causing it to jerk – the jury awarded the plaintiff \$2,500 each for economic and non-economic damages**

*Garth v. Rapid Oil Change*, 20-538

Plaintiff: Carroll Rhodes, Hazlehurst

Defense: Jason H. Strong and Ivy Painter, *Daniel Coker Horton & Bell*, Madison

Verdict: \$5,000 for plaintiff

Court: **Copiah**

Judge: Tomika H. Irving

Date: 12-4-24

Cloyd Garth, then age 37 and the superintendent of the Hazlehurst City School District, took his vehicle to his local Rapid Oil Change for an oil change and tire rotation. The work was completed while Garth waited. It was apparently an uneventful vehicle service and Garth drove away. He didn't make it far.

Garth was traveling on Hwy 28 (at 35 mph or so) in Hazlehurst near Brando's Restaurant when suddenly his vehicle began to shake violently. A moment later the front right tire just rolled off and proceeded across the street. This caused the vehicle to suddenly jerk. Garth was also jerked when he grabbed the steering wheel to avoid a collision with an oncoming vehicle.

Why had the wheel fallen off in the

first place? The technician at Rapid Oil Change had forgotten to tighten the lug nuts. Rapid Oil Change later admitted this mistake.

At the scene of the incident, Garth called a co-worker who drove him back to work. Garth had school activities that day and while he had immediate pain (his co-worker confirmed this), he did not begin treating until eight days later.

Garth subsequently complained of radiating neck and back pain. He treated with a local chiropractor (Dr. Billie King) as well as undergoing a course of massage therapy. His medical bills were \$9,394.

In this lawsuit Garth sought damages from Rapid Oil Change in two categories, economic and non-economic. As Rapid Oil Change admitted fault, the only question would be causation and the measure of Garth's damages. Garth relied on testimony from King as well as contemporaneous accounts that he was immediately in pain.

Rapid Oil Change defended the case with an IME, Dr. Eric Amundson, Neurosurgery, Flowood. The expert could find no objective findings for Garth's complaints which was suggestive that Garth was exaggerating. Amundson concluded in light of the minor mechanism of the injury (the vehicle stopped suddenly) that Garth had not sustained any injury at all.

This case was tried for two days in Hazlehurst. The jury verdict itself is not a part of the court record. The final judgment indicates that Garth

court explain its rationale. Helfrich simply selected \$963,000 which then would be subject to a 40% reduction for Randolph's comparative fault.

The court's original order made an apparent math error. The raw bench verdict was for \$963,000 less 40% comparative fault. That should have represented a net verdict of \$577,800 then reduced to the statutory cap of \$500,000. Instead Helfrich's judgment reduced the award to \$385,200 which was 40% (not 60%) of the verdict. Randolph moved the court to correct the error and the motion was granted. The final judgment for Randolph as to the City of Hattiesburg was \$500,000. The city has since taken an appeal.

**Case Documents:**

[Jury Verdict](#) (From 7-23-24 jury trial)  
[Final Opinion \(MTCA Claim\)](#)  
[Order Denying JNOV Motion](#)  
[Plaintiff Motion to Alter Judgment](#)  
[Final Judgment](#)

**Auto Negligence - Two plaintiffs treated for soft-tissue injuries after a rear-end crash – both plaintiffs took general awards of damages at trial, \$15,000 and \$7,000, respectively**

*Bailey et al v. Woodard*, 18-39

Plaintiff: D. Reid Wamble,

Olive Branch

Defense: J. Brian Hyneman, *Hickman Goza & Spragins*, Oxford

Verdict: \$15,000 for Hollingsworth  
 \$7,000 for Bailey

Court: **DeSoto**

Judge: Gerald Chatham, Sr.

Date: 12-11-24

This case involved a rear-end crash that occurred on I-55 on 5-5-15. Shilo Woodard struck a vehicle driven by Jacqueline Bailey. Her passenger was Chastity Hollingsworth. It was a

moderate impact. Woodard conceded fault.

Bailey and Hollingsworth both subsequently treated for soft-tissue injuries with Dr. William Smith, Memphis. That included a course of physical therapy. The record does not reflect their incurred medical bills.

In this lawsuit Bailey and Hollingsworth sought damages from Woodard. He was a reluctant litigant of sorts and avoided a deposition and even considered not coming to trial. Because of that trial-shyness, Woodard moved the court for a motion in limine to prevent the plaintiff from making "reptile" type arguments about so-called safety rules as developed by David Ball and Don Keenan. Woodard explained "safety" was no issue as he had admitted fault. Judge Chatham agreed with Woodard and granted the relief. In his order on the motion in limine, the court threatened any sanctions if the order was violated.

This case was tried in Hernando for two days. Bailey took a general award of \$7,000. The verdict for Hollingsworth was \$15,000. A consistent judgment was entered by the court.

**Case Documents:**

[Complaint](#)  
[Jury Verdict](#)  
[Order on Motion in Limine](#)  
[Final Judgment](#)

**Insurance Contract - The plaintiffs alleged their insurer breached a homeowner's policy by paying to repair only a few broken shingles instead of replacing the complete roof after it had suffered storm damage**

*Branson v. State Farm*, 3:23-491

Plaintiff: John W. Nisbet, *Heilman Nisbet Polk*, Jackson

Defense: Michael F. Myers and Caleb D. Stephenson, *Currie Johnson & Myers*, Flowood

Verdict: \$10,000 for plaintiff

Federal: **Jackson**

Judge: Carlton W. Reeves

Date: 12-12-24

Richard and Sameka Branson of Canton, MS had homeowner's insurance during relevant periods with State Farm. Their home suffered roof damage during a 5-4-21 storm. They promptly reported the damage two days later.

State Farm sent an investigator who concluded the damage was limited to a single shingle and several more ridge shingles. The loss was estimated at \$1,958. State Farm tendered \$699 to the Bransons after the deductible.

The Bransons promptly had their own estimate. They believed the roof needed to be replaced. The estimate was for \$10,200. At this time the Bransons did not repair the roof.

Thereafter the Bransons had a new repair estimate of \$23,192. This included not just the original damage, but damage that was suffered because the roof was not initially repaired. The parties could not resolve their dispute and the Bransons sued State Farm in Madison Circuit Court. State Farm removed to federal court.

The lawsuit first alleged that State Farm had breached the contract by failing to pay for the full repair of the roof. The plaintiffs also alleged bad