

The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

November 2024

Statewide Jury Verdict Coverage

15 MSJVR 11

In This Issue

Hinds County

Premises Liability - \$876,379 p. 4

Daycare Negligence - Defense p. 6

Jackson County

Medical Malpractice - Defense verdict p. 1

Warren County

Medical Malpractice - \$3,100,000 p. 2

Coahoma County

Auto Negligence - Defense verdict p. 6

Notable Louisiana Verdict

New Orleans, LA

Truck Negligence - \$76,000 p. 7

Notable Alabama Verdict

Grove Hill, AL

Products Liability - \$160,000,000 p. 8

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 - The plaintiff's left common iliac artery was cut with a trocar during a robotic total abdominal hysterectomy which led to a surgical repair and other complications including a slow-healing abscess – the plaintiff alleged error by her Ob-Gyn in causing the injury – the Ob-Gyn described the event as a known complication that occurs in the best of hands and which was immediately identified, the Ob-Gyn then bringing in a specialist to make the repair

Agar v. Moore, 22-8

Plaintiff: David N. Harris, Jr., Biloxi

Defense: Jessica B. McNeel, *Bryan*

Nelson Schroeder Castigliola &

Banahan, Pascagoula

Verdict: Defense verdict on liability

Court: **Jackson**

Judge: Keith Miller

Date: 8-29-24

Almeda Agar was plagued with abdominal pain and heavy bleeding. She'd even made several trips to the ER for treatment. Agar came under the care of an Ob-Gyn, Dr. William Moore of Mississippi Coast Ob/Gyn. He recommended a hysterectomy and Agar agreed.

The procedure was performed on 9-24-20 at Ocean Springs Hospital. It was described as an elective robotic total abdominal hysterectomy. The surgery began at 12:05 p.m. Moore realized there was a bleed complication twenty minutes later. He'd cut her left common iliac artery with a trocar.

Agar's condition was serious. She had significant bleeding and her blood pressure was very low. A "so-called" Crimson Code was called. Moore called in a cardio-thoracic surgeon, Dr. Jason Williams, to assist him. The hysterectomy was converted to a laparotomy and the injury was repaired.

Following the surgery Agar was taken to the ICU. She'd lost enough blood that she received a transfusion. Thereafter she had a complex course which included a slow-healing abscess. Agar continues to report abdominal pain.

In this lawsuit Agar sued Moore and alleged malpractice by him in injuring her artery. Her standard of care expert was Dr. Steven McCarus, Ob-Gyn, Orlando, FL. Her damages included not just from the injury, but also her complex recovery course and ongoing pain.

Moore replied that the surgery was necessary in light of Agar's symptoms and she was fully advised of the all the associated risks. His expert, Dr. Donald Seago, Ob-Gyn, Jackson, explained that the injury was a surgical complication that can and does occur in the best of hands. Moreover when that complication occurred, Moore promptly appreciated it, called for help and a repair was made. Finally the defense diminished any ongoing symptoms from this event noting Agar had a long pre-existing history of abdominal pain.

This case was heard by a jury in Pascagoula. It returned a handwritten

error to provide an eggshell instruction to the jury. The pain and suffering damages were also called excessive as they represented some 27 times the medical bills. Park Wind thought that a more reasonable award for non-economic damages would be \$75,000 to \$100,000.

Mayze response to the motion was that Goodrum was qualified and she cited both his professional certifications and that he'd been approved as an expert in many other cases. She also thought the damages were reasonable (just 13.5 times the total past and future medicals) and in line with her request for \$1,000,000.

Park Wind further replied that while Goodrum had been approved in some 23 cases, they were where he was hired by Attorney Ogden. The defense also thought his so-called professional certifications weren't that significant and really represented more a certification-for-a-fee rather than actual expertise. The JNOV motion is pending.

Case Documents:

[Complaint](#)
[Plaintiff Expert Disclosure](#)
[Defense Expert Disclosure](#)
[Jury Verdict](#)
[Final Judgment](#)
[Defense JNOV Motion](#)
[Plaintiff JNOV Response](#)
[Defense JNOV Reply](#)

Auto Negligence - The jury returned a defense verdict in a right-of-way collision case

Stapleton v. Mims, 23-31

Plaintiff: Oliver E. Clark, Jr.,
Chapman Lewis & Swan, Clarksdale

Defense: J. Bryan Hyneman,
Hickman Goza & Spragins, Oxford

Verdict: Defense verdict on liability

Court: **Coahoma (County)**

Judge: C. Kent Haney

Date: 9-17-24

Dae'Ja Stapleton, then age 18 and a high school senior, was driving her sedan on Hwy 61 in Clarksdale. It was late on the evening of 7-10-23. At this location the highway has four lanes. Stapleton was listening to music as she drove – she had on headphones.

A moment later as she passed a vehicle driven by Larry Mims, there was a right-of-way collision. The Mims vehicle had clipped Stapleton's car. A tearful Stapleton called her grandfather from the scene and he came to assist her.

Grandfather made a decision that Stapleton needed a trip to the ER even though the crash resulted in minor damage. She'd struck her head on the windshield. Stapleton has since complained of soft-tissue symptoms.

In this lawsuit Stapleton sued Mims and blamed him for crashing into her. It was his defense that she was distracted and had struck him. The defense also minimized the claimed injury.

This case was tried in Clarksdale for two days. The jury answered that Mims had not "committed negligence" that was a proximate cause of injury to Stapleton. That ended the deliberations and she took nothing. While the jury verdict is not a part of the court record, the jury

result is memorialized in the court's final judgment.

Case Documents:

[Complaint](#)
[Final Judgment](#)

Daycare Negligence - An infant at a daycare suffered unexplained facial bruising – his mother sued the preschool and alleged negligence as there was no other explanation for the injury

Watkins v. Woodforest Preschool Academy, 19-574

Plaintiff: Kenya R. Martin, Jackson

Defense: Damon R. Stevenson,
Stevenson Law Group, Jackson

Verdict: Defense verdict on liability

Court: **Hinds (County Court)**

Judge: Pieter Teeuwissen

Date: 9-24-24

Angela Watkins gave birth to her son (Jordyn Bronson) in March of 2018. Some two months later Watkins dropped off Jordyn at Woodforest Preschool in Raymond, MS while she went to her job for state government. Woodforest Preschool is essentially a daycare. Jordyn was cared for by an employee described in the record as Miss Frieda.

Watkins got a call around lunchtime that was troubling. She was told that while Jordyn was breathing okay and wasn't running a temperature, Watkins still needed to come pick him up. Watkins raced over and discovered that Jordyn had facial swelling and one eye was swollen shut.

Watkins was frightened and called 911. An ambulance arrived and the infant was taken to the ER at University of Mississippi Medical Center. He was treated there for bruising which resulted from some trauma. What was the trauma?