

# The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

December 2024

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 macrosomic baby (weighing nearly 11 pounds at birth) suffered a shoulder dystocia complication and permanent brachial plexus injury during childbirth – the plaintiff blamed her Ob-Gyn for not appreciating this risk and scheduling an unlabored c-section – the doctor replied that the shoulder dystocia event was a complication which he properly managed and in any event, the plaintiff (now 8) has made tremendous improvement with physical therapy and likely will suffer no permanent impairment**

*Wren v. Hamner*, 20-399

Plaintiff: David C. Dunbar and Kim D. McCormack, *DunbarMonroe*, Ridgeland, MS

Defense: Tommie Williams, Sr. and Tommie Williams, Jr., *Upshaw Williams Biggers & Beckham*, Greenwood, MS

Verdict: Defense verdict on liability

Court: **DeSoto Circuit Court**

Judge: Gerald Chatham, Sr.

Date: 11-15-24

Monica Wren treated in 2016 during her pregnancy with an Ob-Gyn, Dr. Dabney Hamner of Southeast Women's Healthcare. She first saw him at 13 weeks on 5-10-16. Wren's presentation and pregnancy were mostly uncomplicated except by her obesity. She weighed 345 pounds. There was also evidence per a pre-natal ultrasound that Wren was carrying a very large baby.

Wren came to Baptist Memorial Hospital DeSoto for a scheduled

delivery on 10-30-16 with Hamner managing it. As the delivery progressed, there was a shoulder dystocia complication. Hamner applied supra pubic pressure and the so-called McRoberts maneuver to successfully deliver a little girl referred to in the record as SJD. The baby was large and weighed just shy of 11 pounds.

SJD suffered a brachial plexus injury during the delivery which was immediately noted. The girl (8 years old at the time of trial) has since undergone an extensive course of physical and occupational therapy. She continues to have deficits consistent with Erb's Palsy including weakness in her arm.

SJD (through her mother) sued Hamner and alleged malpractice by him in managing the pregnancy. Her expert, Dr. Hugh Ehrenberg, Ob-Gyn, Penn Valley, PA, believed that Hamner should have referred Wren to a maternal fetal specialist when he realized the baby's size (called macrosomia) and the high risk of shoulder dystocia associated with that size. With that intervention, the theory went, an unlabored c-section could have been performed and the shoulder dystocia complication avoided.

The plaintiff built her case additionally through several experts. Dr. Howard Katz, Physical Medicine, Jackson, confirmed the girl's permanent injury to her right shoulder and arm. Her parents testified to her impairments with

### A Notable Louisiana Verdict

**School Negligence - In a tragic case a six-year old girl was run over and killed (her older brother saw it occur and was traumatized) in her Catholic school parking lot during car pool at the end of the school day – incredibly the school was operating an after school “run club” for the children that required them to cross lanes of traffic**

*Savoie v. Our Lady of Lourdes*, 23-16933  
Plaintiff: Frank J. Swarr and Benjamin D. Rumpf, *Landry & Swarr*, New Orleans

Defense: Jefferson R. Tillery and Madeline Fischer, New Orleans and Jessica S. Allain, Lafayette, all of *Jones Walker* for Our Lady of Lourdes Sidney W. *Degan, III* and Karl H. Schmid, *Degan Blanchard & Nash*, New Orleans for American Alternate Insurance

Rachel G. Webre and Morgan A. Druhan, *Gieger Laborde & Laperouse*, New Orleans for Gemini Insurance  
Kyle S. Moran, *Phelps Dunbar*, New Orleans for Lloyd’s Underwriters  
Verdict: \$129,000,000 for plaintiffs  
Parish: **St. Tammany**  
Judge: Reginald T. Badaeux, III  
Date: 11-8-24

Emma Savoie, age 6, was a student on 2-23-22 at Our Lady of Lourdes school in Slidell. It is operated by the Catholic Church. School had let out (it was 3:22 p.m.) and car pool was moving through the parking lot. At the same time Emma and her brother (Beau, age 10), were participating in the school’s unofficial “run club.”

The run club was operated such that the children would run through the parking lot during car pool. Emma had stopped as she was to cross a lane of moving traffic. A

BRENT DAVIS SAVOIE & AMY DECIDUE SAVOIE  
VERSUS  
OUR LADY OF LOURDES ROMAN CATHOLIC CHURCH, et al  
FILED: November 9, 2024

22<sup>ND</sup> JUDICIAL DISTRICT COURT  
PARISH OF ST. TAMMANY  
STATE OF LOUISIANA  
NO. 2023-16933, DIVISION “I”  
JURY CLERK

**JURY INTERROGATORIES**

1. Do you find by a preponderance of the evidence that Our Lady of Lourdes was negligent?  
 YES  NO  
(NOTE: If your answer to this question is “no”, proceed to Question #2. If your answer to this question is “yes”, stop here, sign this form, notify the Bailiff.)

2. Was the negligence of Our Lady of Lourdes a proximate cause of the accident involving Emma Savoie?  
 YES  NO  
(NOTE: If your answer to this question is “no”, stop here, sign this form, notify the Bailiff. If your answer to this question is “yes”, proceed to Question #3.)

3. Do you find by a preponderance of the evidence that Beau Savoie viewed the event causing Emma Savoie’s death, or came upon the scene of the event soon thereafter, and suffered mental anguish or emotional distress as a result of Emma’s death, and that Beau Savoie’s mental anguish was severe, debilitating and foreseeable?  
 YES  NO  
(NOTE: If your answer to this question is “no”, proceed to Question #5. If your answer to this question is “yes”, proceed to Question #4.)

4. Please state what sum of money would be fair and reasonable to compensate Beau Savoie’s mental anguish for viewing the event causing Emma Savoie’s death:  
\$ 50,000,000  
(NOTE: Proceed to Question #5.)

5. Please state what sum of money would be fair and reasonable to compensate Amy Savoie’s losses due to the wrongful death of Emma Savoie:  
\$ 25,000,000

\$ 25,000,000

(NOTE: Proceed to Question #7).

7. Do you find by a preponderance of the evidence that Emma Savoie suffered conscious pain and suffering prior to her death?  
 YES  NO

(NOTE: If your answer to this question is “no”, sign this form, notify the Bailiff. If your answer to this question is “yes”, proceed to Question #8.)

8. Please state what sum of money would be fair and reasonable to compensate Emma’s conscious pain and suffering prior to her death.

\$ 29,000,000

Please sign and date this form, and notify the Bailiff.

11/8/24  
Date

Krystal J. Calix  
Foreperson Signature

Krystal T. Calix  
Foreperson Printed Name

### The Savoie v. Our Lady of Lourdes verdict form

moment later her brother heard her exclaim, “Wait for me.” Emma ran into traffic and was struck by Mary Forsythe who was driving a Toyota Tundra pick-up. Forsythe was driving at 9 mph at the moment of impact and was not speeding, distracted, intoxicated or otherwise impaired. The police would call the incident a tragedy.

Emma suffered fatal injuries (there were disputes if she died instantly or not) but she was taken to Slidell Memorial Hospital where she was pronounced dead 29 minutes later. Her brother Beau had seen the entire thing happen in front of him and there was proof he suffered significant emotional distress. Emma was survived too by her grieving parents, Brent and Amy Savoie.

In this lawsuit the Savoie family sued Our Lady of Lourdes and alleged negligence by it in operating a run club for children in the parking lot during an active car pool. It was described as incredibly dangerous to have the children running multi-laps in this setting and especially without

a crossing guard. If the plaintiffs prevailed they sought damages for Beau’s bystander distress as well as for Emma’s conscious pain and suffering and the wrongful death damages of the parents. An accident and safety expert for the plaintiffs was Daren Marceau, Cary, NC.

Because the school and its insurers alleged that the fault of the driver, Forsythe, was a cause of Emma’s death, the Plaintiffs added Forsythe and her insurer State Farm into the case to avoid an “empty chair” situation at trial, stating in their pleadings that they did not believe Forsythe was at fault.

This claim was volitionally dropped on the eve of trial. The plaintiffs settled their claims against several of the insurers and proceeded to trial against Gemini Insurance Company, the upper layer of excess insurance. There were no issues of comparative fault as to any other entity. It would be an all-or-nothing finding on liability as to the school.

Gemini denied fault on behalf of Our Lady of Lourdes and aligned its