

The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

February 2025

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.

Truck Negligence - The plaintiff was passing a truck (on a two-lane road) on the right when the truck shifted left and then made a sudden right turn, the collision leading the plaintiff to suffer a shoulder injury – the trucker replied it was just a two-lane road and the plaintiff was solely at fault for making an improper pass on the right – the jury rejected the case on liability and wrote “No!” when asked if the plaintiff had proven negligence

Green v. Dancer Logistics, 18-169
Plaintiff: J. Ashley Ogden, *Ogden & Associates*, Jackson

Defense: Jamie D. Travis, Gibbs
Travis, Jackson and William W.

Simmons, *Glover Young Hammack
Walton & Simmons*, Meridian

Verdict: Defense verdict on liability

Court: **Hinds**

Judge: Adrienne Wooten

Date: 1-16-25

Christopher Green, then age 39 and working as a meter reader, was driving a pick-up truck westbound on Industrial Drive in Jackson on 5-18-16. A trucker, Michael Carpenter for Dancer Logistics, was also westbound on Industrial Drive. He was just ahead of Green and was preparing to make a right turn into a commercial facility.

There would be fact disputes in this case about the very nature of Industrial Drive. What is known is that at this location, the road was widening to a width of 50 feet.

That would be double a typical 25 foot road. But more importantly, how many lanes were there?

Green believed it was a four-lane road and that he was in the right lane. There was (in his view) a faded white line separating the lanes. Carpenter was in the left lane and appeared to be shifting left to make a left turn. Carpenter for his part thought it was a two-lane road with a broken yellow line separating those lanes.

A moment later these apparently insignificant distinctions would become important. Green passed the truck on the right (or in the right lane) as he believed Carpenter was turning. Carpenter for his part was in the single lane of traffic in his direction and made a right turn. He did so just as Green passed. A collision resulted and Green’s vehicle ended up spinning around and facing the other direction.



The position of the vehicles after the crash

Maybe you've never seen the Year in Review. We're on the 14th edition, the first being published in 2013! This year's edition (at 423 pages) summarizes, chronicles and makes sense of some 1,206 Mississippi verdict results going back to 2012.

We've reproduced a small portion of the book (the Million Dollar Results) in this snapshot that reflects a quick look at the largest verdicts of the last fourteen years as well as all of the 126 million-dollar plus results

Available in the online store – [Order the 2024 Year in Review](#) - On Sale for \$389.00

The 2011-2024 Million Dollar Verdicts at a Glance
The 126 results are sorted in order from largest to smallest - 2024 results in bold
 (Awards are not adjusted for comparative fault)

<u>County</u>	<u>Case#</u>	<u>Verdict</u>	<u>Description</u>
Smith Plaintiff:	115 Allen Hossley, Tyler, TX and Dawn Smith, Dallas, TX, both of <i>Hossley Embry</i> , Gene Tullos and Gary King, <i>Tullos & Tullos</i> , Raleigh and S. Robert Hammond, Jr., Hattiesburg	\$322,000,000	An oil field roughneck alleged his exposure to drilling mud containing asbestos resulted in asbestosis and a future risk of cancer – a jury in Raleigh awarded the plaintiff \$300,000,000 in punitive damages
Jasper Plaintiff:	112 C. Tab Turner, Little Rock, AR Wayne E. Ferrell, Jr., James W. Nobles, Jr. and Angelo J. Dorizas, Jr., Jackson, Theodore J. Leopold, <i>Leopold-Kuvin</i> , West Palm Beach, FL and Thomas L. Tullos, Bay Springs	\$130,000,000	A highly regarded major league prospect suffered fatal injuries in a Ford SUV rollover – his estate valued his economic loss (assuming he was of All-Star capability) at from \$112 million to \$147 million – while wage loss was just \$56,000,000 of the verdict, this was a pre-tort reform lawsuit and the caps were not applicable – the case settled before the punitive damages phase
Jones Plaintiff:	127 Mark A. Nelson and John W. "Jack" Land, <i>Bryan Nelson</i> , Jackson, Eric A. Tiebauer, Waynesboro and Michael Shemper, Hattiesburg	\$103,500,000	An oil and gas investor and his related company blamed a Dallas, lawyer (and part of world law firm giant Baker & McKenzie) for conspiring with a business partner to shut him – a jury in Laurel awarded the plaintiffs more than \$100 million in damages including \$150,000 in punitives – the court later added attorney fees and costs of \$9.8 million – the law firm has appealed
Hinds Plaintiff:	371 Edward L. Sanders and John L. Davidson, <i>Davidson Bowie Sanders</i> , Flowwood and Edward Blackmon, Jr., <i>Blackmon & Blackmon</i> , Canton	\$52,080,450	A four-year old girl was left permanent paraplegic after a drunk driver struck a minivan in which she was riding – settling with the drunk driver (who was convicted criminally), the girl proceeded against the manufacturer of her booster seat – she alleged it was defectively designed because the shoulder belt was permitted to pop out – a Jackson jury awarded the girl \$50,000,000 for her life care plan
Jasper Plaintiff:	283 Norman Gene Hortman, Jr. and Christopher B. McDaniel, <i>Hortman Bassi Robinson & McDaniel</i> ,	\$36,000,000	While the plaintiff was repairing an oil well, a valve fell from a derrick and struck him in a head – the impact resulted in an open skull fracture (brain matter leaking) and a very <i>Harlow</i> serious and permanent brain injury – the injury was blamed Laurel on other contractors at the site who had failed to maintain or secure the valve
Rankin Plaintiff:	714 Thomas J. Bellinder, Jackson	\$31,095,000	The plaintiff suffered serious injuries (including having both legs amputated) when she was struck by a passing motorist while she was standing by the side of an interstate ramp with a disabled vehicle

same day. Acosta explained to Faucette his death was related to an infection.

Faucette indicated that with this delivery, Acosta’s manner had changed. She lost faith with him. When she became pregnant again in 2019, she treated with a new Ob-Gyn, Dr. Virginia Nelson.

As Nelson followed Faucette’s pregnancy, she noted an abnormality with Faucette’s cervix. In an effort to ameliorate this, Nelson performed a cerclage repair of the cervix. Nelson also identified the pregnancy as high risk and transferred Faucette to a higher level of care.

A baby girl, Callie, was delivered on 2-5-19. She was also premature at 23 weeks. Callie suffers cerebral palsy, a brain injury and has a significant developmental delay. During the course of this delivery, Nelson identified evidence of a prior laceration of Faucette’s cervix. She believed it was related to a laceration from the 2012 delivery and that it had contributed to Canaan’s premature delivery and death, as well as to Callie’s birth injury.

From this outline of events, three separate lawsuits were filed by the Faucette family. They were on behalf of Canaan’s estate (a death claim) as well as on behalf of Callie and her mother for personal injury. They were all consolidated into a single case.

What was the malpractice? The plaintiffs looked back to the 2012 delivery of the healthy baby and the post-delivery bleed event. It was alleged there was a laceration of Faucette’s cervix that Acosta failed to appreciate, investigate or repair. The error compounded from 2012 to the fatal delivery of Canaan in 2017 and then Callie’s birth injury in 2019. In

NATALIE FAUCETTE

PLAINTIFF

V.

RUSH MEDICAL FOUNDATION
d/b/a RUSH FOUNDATION HOSPITAL;
JOSEPH R. ACOSTA, M.D.; MEDICAL
FOUNDATION, INC. D/B/A RUSH OB/GYN;
AND JOHN DOES 1-10

CIVIL ACTION NO. 21-CV-021 (CW)
FILED

JAN 30 2025

Anna Jill Johnson
CIRCUIT CLERK

DEFENDANTS

C. 27

**INTERROGATORY TO THE JURY
(FORM OF THE VERDICT)**

1. Do you find from a preponderance of the evidence that Natalie Faucette has satisfied her burden of proving that Joseph R. Acosta, M.D. breached the applicable standard of care in obstetrics in providing health care services to Ms. Faucette in a manner which proximately caused or contributed to injury to Ms. Faucette and Callie Grace Faucette and the death of Canaan David Faucette?

_____ Yes

No

If your answer to question number 1 is “No”, your work is complete as to Dr. Acosta and you should return to the courtroom with this instruction. If your answer to question number 1 is “Yes”, you should answer question numbers 3 and 4.

2. Do you find from a preponderance of the evidence that Natalie Faucette has satisfied her burden of proving that Rush nurses breached the applicable standard of care in nursing in providing health care services to Ms. Faucette in a manner which proximately caused or contributed to injury to Ms. Faucette and Callie Grace Faucette and the death of Canaan David Faucette?

_____ Yes

No

If your answer to question number 2 is “No”, your work is complete as to Rush and you should return to the courtroom with this instruction. If your answer to question number 2 is “Yes”, you should answer question numbers 3 and 4.

The Faucette v. Acosta verdict form on liability

fact Faucette had not even known of the condition until after being advised of it by Nelson after Callie’s delivery.

The hospital nurses were blamed in a slightly more nuanced theory. They were blamed in for failing in 2012 to advise Acosta of the bleeding event, or to otherwise have instituted the “chain of command” to investigate. The combination of these errors then led to Canaan’s death and Callie’s birth injury as well as to Faucette’s own personal injury.

The plaintiff’s experts were Dr. James Wheeler, Ob-Gyn, Houston, TX, Dr. James Denver, Physical Medicine, Hoover, AL, and Bill Brister, Economics, Jackson. The treating Nelson was also identified as testifying to causation and the standard of care.

Denver had valued Canaan’s lost earnings at \$2.012 million. He estimated Callie’s wage loss at \$1.38 and her life care plan at \$13.1 million. If any of the three plaintiffs prevailed at trial, Canaan’s estate,

Notable Louisiana Verdicts

Premises Liability - A Bourbon Street restaurant patron tripped over an interior threshold and fell into a landscaping brick that was used as a doorstep – this fall left the plaintiff with a “maiming” injury to his lower leg (a 10 inch gash) that resulted in ongoing nerve pain – a New Orleans jury awarded him \$200,000 in general damages all less an assessment of 45% of fault to him

Orr v. Le Bayou Restaurant and Oyster Bar, 21-4962

Plaintiff: Matthew G. Rogenes and Ashley M. Liuzza, *Stag & Liuzza*, New Orleans and Chris Liuzza, *Liuzza Law Firm*, New Orleans
 Defense: Joseph G. Glass and Andrew R. Weinstock, *Duplass, APLC*, Metairie

Verdict: \$200,000 for plaintiff less 45% comparative fault

Court: **New Orleans, LA Orleans Parish**

Judge: Omar K. Mason

Date: 1-17-25

Harold Orr, age 71 and from Southern California, was a tourist on 6-13-20 (the first day of Phase Two Covid re-opening) on Bourbon Street. He and his daughter were looking for dinner and she was attracted to Le Bayou Restaurant and Oyster Bar (503 Bourbon Street) as it features balcony seating. The restaurant is owned by Ammari of Louisiana.

Orr and his daughter ate dinner on the balcony. Dinner was concluded and they started to walk back downstairs from the balcony. It was now nearly 7:30 p.m. There was proof Orr was wearing dark sunglasses.

Orr tripped over an interior threshold from the dining room. He fell forward and hit his head on a table. His leg also struck a landscaping brick that was used at Le Bayou as a doorstep. This impact left him with what was described as a “maiming” injury to his lower leg. That was a gruesome ten-inch gash. Orr also had a cut to his head.

Orr was treated at an ER that night and subsequently spent the next few days in his hotel room. When Orr returned home he continued to complain of residual pain and numbness in his leg that was linked to a nerve injury. Dr. Troy Beauhoudray, Neurosurgery, Metairie confirmed a peroneal nerve injury and that it is permanent. Orr testified that the injury has robbed him of his active lifestyle.

Orr sued Le Bayou and alleged negligence regarding the 3.5 inch elevation change in the entryway which led to his trip. He was also critical of the hazard of the brick as doorstep. His human factors expert, Jason English, testified the design of the entryway violated well-known safety standards. If Orr prevailed he sought non-economic damages in seven separate categories. As the case went to the jury, Orr asked for an award of \$2,000,000.

Le Bayou denied fault and implicated the plaintiff’s own comparative fault. Particularly his dark sunglasses made it difficult to perceive the threshold. Le Bayou also called an expert on architecture and safety, Lee Connell. Connell indicated the building didn’t violate any applicable codes or regulations.

This case was tried for five days in January of 2025 and concluded on a Friday. The jury’s verdict was mixed. It found both Le Bayou and Orr at

fault. That fault was assessed 55% to the restaurant and the remainder to Orr.

The jury then went to damages. Orr took general damages of \$200,000. The awards were:
 Past Suffering: \$40,000
 Future Suffering: \$60,000
 Past Emotional Distress: \$20,000
 Future Emotional Distress: \$40,000
 Past and Future Loss of Enjoyment of Life: \$20,000 each
 There was no award for scarring. At the time of this report no final judgment had been entered but presumably less comparative fault it will be for Orr in the sum of \$110,000.