

# The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

March 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.

**Medical Malpractice - An infant suffered a brachial plexus injury during childbirth – in this lawsuit it was alleged the delivering Ob-Gyn used excessive force to deliver the child upon encountering a shoulder dystocia complication – the Ob-Gyn replied that in response to the complication, he used appropriate maneuvers, avoided a hypoxic event and delivered the child within a minute – a jury in Hernando returned a defense verdict**

*Wright v. Kumar, 20-171*

Plaintiff: Zev T. Gershon and Bailey S. Foster, *Gershon Willoughby & Getz*, Baltimore and John W. Kitchens, *Kitchens Law Firm*, Crystal Springs  
Defense: Stephen P. Kruger and T.L. "Smith" Boykin, III, *Page Kruger*, Flowood

Verdict: Defense verdict on liability

Court: **DeSoto**

Judge: Celeste Embrey Wilson

Date: 2-28-25

Carmen Wright, then age 40, was pregnant with her fifth child with an expected delivery date in June of 2018. Her treating Ob-Gyn, Dr. Alok Kumar of Memphis Obstetrical and Gynecology, had been involved with her care since 2014. The pregnancy was uneventful and Wright presented to Baptist Memorial Hospital in Southaven on 6-21-18. Because of Wright's maternal age, the decision was made to induce labor.

During the delivery the baby (identified in the record as MCW) suffered a shoulder dystocia complication. Kumar recognized it and used traction in response. The

baby was dislodged from behind the pubic bone and delivered a minute later. That night it was noticed that the boy had an injury to his shoulder and arm.

The child has since been treated for a brachial plexus injury. That is the nerves connected to the spinal cord were stretched. MCW has diminished function of his shoulder, arm and hand. It is described as a permanent Erb's Palsy injury.

MCW, through his parents (Carme and Marion) alleged malpractice by Kumar in using excessive force. It was argued that instead of using recommended maneuvers and gentle force, he used excessive traction on MCW's head and neck, all of which led to a permanent nerve avulsion injury.

The plaintiff's experts on liability were Dr. Therese O'Connor, Ob-Gyn, Park Ridge, IL and Dr. Marc Engelbert, Ob-Gyn, New York, NY. The plaintiff also relied on a vocational/economic expert, Joseph Crouse, Chambersburg, PA, who valued MCW's work life impairment.

Kumar postured that he recognized the shoulder dystocia complication and promptly responded to it. Importantly in using traction to free the child and doing so quickly (delivering within a minute), he avoided a hypoxic brain injury.

Kumar also postured that while the child had an injury, it was related not to traction but instead to the maternal forces of delivery. He also thought it was likely that MCW's condition will continue to improve through surgery and therapy. His experts were Dr.