

The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

June 2026

Statewide Jury Verdict Coverage

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Medical Malpractice - An elderly woman with limited vision related to glaucoma underwent an outpatient eye surgery (vitrectomy and ERM peel) to protect central vision in her left eye– as the procedure began the plaintiff had a reaction to anesthesia and coded – she was given Narcan and taken by ambulance to a local hospital where she fully recovered and was sent home that evening – while it was a harrowing experience, she did not suffer any long-term sequelae from the code – in this lawsuit the plaintiff alleged the major surgery was unnecessary (she only needed a new prescription for her glasses as her vision was unchanged since a medical visit a year earlier) and the entire code event could have been avoided

Munn v. Jiminez, 24-81

Plaintiff: C. Victor Welsh and Joseph E. Roberts, Jr., *Pittman Roberts & Welsh*, Jackson

Defense: Whitman B. Johnson, III and Lorraine W. Boykin, *Currie Johnson & Myers*, Flowood

Verdict: Defense verdict on liability

Court: **Jones**

Judge: Dal Williamson

Date: 6-10-26

Frances Munn, then age 92, consulted about her vision in the summer of 2022 with an ophthalmologist, Dr. Jaime Jimenez of Southern Eye Physicians. She had glaucoma with essentially no peripheral vision in either eye plus macular degeneration. She also had an epiretinal membrane (ERM,

essentially scar tissue) that had formed and was causing traction on the macula, which is the center and most important portion of the retina. Munn’s vision was measured at 20/50-2 in her left eye.

Munn consulted over the next year with Jimenez. She then went to see an optometrist she was referred to by Southern Eye for glasses, The optometrist evaluation found a wrinkling of the macula from the ERM and fluid in the retina. Dr. Jimenez then performed a more specific test and compared it to the 2 previous ones he had done. He believed this showed continued and increased traction on the macula, with anatomic changes in the retina such as fluid (stress edema from the traction) and cyst formation. Munn, in the presence of her daughter, asked what could be done. Jimenez offered a surgical procedure known as a trans-par plana vitrectomy (TPPV) and epiretinal membrane (ERM) peel, in which the fluid in the eye is removed and the scar tissue peeled off the retina to allow the retina to lie flat. This would protect her central vision. While this procedure is done on an outpatient basis, it’s a major procedure done under moderate sedation. Munn agreed and signed consents for both the procedure and the required anesthesia..

The surgery was to be performed on 10-17-23 in Jimenez’s office. As part of the pre-operative process, he administered anesthesia using fentanyl and versed in doses that had

Historical Mississippi Verdicts

Premises Liability - An elderly woman shopping at a McComb Kroger in 1982 tripped over a six-inch curb in the parking lot and broke her elbow – she took a \$50,933 verdict two years later (\$165,000 in 2026 dollars), the Supreme Court reversing two years later finding that the condition of the parking lot was open and obvious

Ware v. Kroger,

Plaintiff: John Ott, *Gillis Gillis & Williams*, McComb

Defense: Frank Thackston, Greenville

Verdict: \$50,933 for plaintiff

Court: **Pike**

Judge: Joe Pigott

Date: March 21, 1985

Maude Ware, then age 84, was a regular customer at the Kroger in McComb, MS. She went several times a week. Ware visited the store in September of 1982 and bought groceries. She was walking in the parking lot (carrying a bag of groceries) when she encountered a six-inch curb (it was 30 feet long) that divided the parking lot.

Ware tripped over the curb. She broke her elbow in the fall. It was surgically set and she remained in the hospital for several days. Ware sued Kroger and alleged the premises were unsafe. Kroger replied that the condition of the curb was open and obvious, and moreover that Ware (a long-time customer) was familiar with it.

The case was tried to a jury in March of 1985 before Judge Pigott. The jury's verdict was for Ware and she took damages of \$50,933. Kroger appealed. The Mississippi Supreme

Court reversed in September of 1987. Justice Griffin wrote for the court that the curb was permanent, open and obvious and that Ware was aware of it. The verdict was reversed and remanded to the trial court to enter a judgment for Kroger.

Ware died two years later at age 91. Judge Joe Pigott, who fought at the Battle of the Bulge, was on the bench from 1974 to 1992, and then for nine more years with senior status. Pigott died in November of 2015 at age 90. He didn't often discuss his military service (he suffered frostbite during the Siege of Bastogne) but later told his grandson he'd been in Milan in April of 1945 and was among the first persons on the scene after Mussolini was killed by a mob. Pigott was also well-known even nationally for his reflections on law, life and culture.

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