

The Mississippi Jury Verdict Reporter

The Most Current and Complete Summary of Mississippi Jury Verdicts

April 2013

Statewide Jury Verdict Coverage

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Negligent Security - An assailant broke into a unit at Jackson Grove Apartments, put a gun to a tenant's head and threatened to kill her - the tenant sued the management company, the complex manager and the property owner, claiming negligent security and failure to warn - the management company and property owner were each found 49.995% negligent, while the manager was found 1% at fault

Daniels v. New Horizons Development, et al, 12-72

Plaintiff: Precious T. Martin, Sr. and Suzanne G. Keys, *Precious T. Martin, Sr. & Associates*, Jackson

Defense: Jimmy B. Wilkins, *Watkins & Eager*, Jackson and Stuart B.

Harmon and Andrew J. Stubbs, *Heidelberg Harmon*, Ridgeland

Verdict: \$500,000 for plaintiff, assessed 49.995% to New Horizons

Development, 49.995% to Jackson Grove Apartments and 1% to

Veronica Moore

dentist met them there. The needle could not be located and still resides in Dallas's gums.

This suit against the dentist followed. Dallas alleged that the manner in which Kennedy administered the shot, as well as the location he chose, fell below the standard of care. He claimed to suffer daily pain due to the needle still residing in his gums. He also claimed that stress increases the pain, that it hurts to eat, and that he has difficulty sleeping.

He is also likely to undergo an additional procedure to locate and remove the needle from his jaw or continue to suffer daily pain, noting that the risks of such a procedure are significant. Dallas also fears that the needle will migrate and cause additional problems.

He claimed that he was forced to change employment, seeking resultant lost wages. He also sought past and future pain and suffering, past medicals of \$11,679, as well as those in the future. His expert was Dr. Timothy Bashford, DDS, Wilmette, IL.

Kennedy denied that he deviated from the standard of care, claiming that no action or inaction on his part caused or contributed to any injury to plaintiff. The dentist maintained that as he was injecting the anesthesia, Dallas jerked his head forward, causing the needle to separate from the wand STA. His experts were Dr. Norris Howell, DDS, Ripley, who offered standard of care testimony, as well as Dr. William West, DDS, New York, NY.

After a three day trial, a Tupelo jury found that Kennedy had not breached the standard of care. A consistent judgment followed.

Auto Negligence - This intersection crash occurred when the plaintiff, whose travel was governed by a stop sign, crossed in the path of the defendant, who had the right of way - the jury assigned most of the fault to the plaintiff

Johnson v. Monsanto Company, et al, 10-48

Plaintiff: Thandi Wade, *Tatum & Wade*, Jackson

Defense: S. Todd Jeffreys, *Poval & Jeffreys*, Cleveland and Michael W. Rutledge and Stephen Resor, *Salley Hite Mercer & Resor*, New Orleans, LA

Verdict: \$91,112 for plaintiff less 55% comparative fault

Court: **Bolivar**

Judge: Albert B. Smith, III

Date: 2-25-13

On 3-30-10 Rosie Johnson was driving northbound on Shaw Skene Rd., approaching Hwy. 446. Jonathan Parrish, who was driving a vehicle owned by D.L. Peterson Trust - Monsanto Company, was traveling westbound on 446 toward the same intersection. Johnson's travel was controlled by a stop sign, but Parrish's was not.

Johnson stopped and then proceeded into the intersection, where her vehicle was struck by Parrish. Johnson suffered fractures to her collarbone, ribs, shoulder blade and scallop bone, as well as a collapsed lung. She was transported by ambulance to Bolivar Medical Center and then airlifted to the University of Mississippi Medical Center, where she remained for nine days.

Johnson filed this suit against the trust and Parrish. She claimed that she looked both ways and did not see Parrish approaching. It was her theory that Parrish was speeding and

ignored warning signs to slow down. Her accident reconstructionist, Tim Corbitt, Jackson, opined that Parrish was driving between 65 and 70 mph in a 45 mph zone. Also presented were plaintiff's treating doctors, Dr. William Geissler, Orthopedist, Jackson, and Dr. John Louwerens, Emergency Medicine, Cleveland.

Parrish defended that plaintiff slowed down at the intersection, but did not stop. He maintained that he was driving between 55 and 60 mph. The defense presented accident reconstructionist Brett Alexander, Hattiesburg, as its expert.

A Cleveland jury found that both Parrish and Johnson were guilty of negligence that caused Johnson's injuries, apportioning 45% fault to Parrish and 55% fault to Johnson. The jury awarded past medicals of \$91,112, but nothing for physical pain and suffering or mental anguish. The court thereafter entered a judgment against D.L. Peterson Trust - Monsanto Company and Parrish in the amount of \$41,000.

Plaintiff thereafter filed a motion for additur and, alternatively, for a new trial. She complained that the jury decided not to award pain and suffering despite overwhelming evidence that she suffered it. That motion is still pending.

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