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JURY RETURNS VERDICT IN FAVOR OF AUTO INSURER IN UNINSURED MOTORIST AND BAD FAITH CLAIM

Lyle Robinson and Ginny Deliman were part of a defense team that secured a favorable jury verdict for the Firm's client, one of the top auto insurers in the U.S. The trial proceeded in Oxford, Mississippi, in the United States District Court for the Northern District. The plaintiffs claimed damages under an uninsured motorist policy for wrongful death of the insured's husband, and further alleged bad faith, seeking punitive damages against the insurer.

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The claim arose from an incident in which the husband was struck by moving traffic as he walked on the interstate (I-55 North) at night in a dark, rural area. One motorist reported to 911 that she had run over something in the highway that she could not avoid due to traffic in front of and beside her. She believed it was a boulder, but would later learn it was the body of the decedent.

The insurer first learned of the claim from its insured some six months post-accident and also first learned that its insured got married months before the accident. The insured reported conflicting information regarding her new husband's residency. She initially reported that her husband lived in another state, but then said he resided in her home in Mississippi. That, combined with the extremely odd circumstances of the accident, left the insurer unable to determine validity of the claim. Rather than deny the claim, it reserved rights to continue investigation. A few months later, the plaintiffs filed suit, alleging breach of contract and bad faith. On behalf of the insurer, Robinson and Deliman pursued a counterclaim for declaratory judgment, seeking a ruling by the Court regarding the validity of the claim.

The jury unanimously decided that the UM claim was not owed, foreclosing consideration of the bad faith claim.

Attorney Spotlight



Leah Ledford

Leah joined TWPD in 2019 after practicing with a regional firm for 15 years where she gained extensive experience in defense litigation. Her experience ranges from personal injury to commercial litigation and her clients include national insurers, hospitals, pharmaceutical companies, banks and directors of publicly traded companies. With her beginnings in a small firm setting, Leah was trying cases within 5 years of her practice, and has served as lead counsel in numerous trials in Federal and State Courts throughout Mississippi. She has also served as counsel for the Mississippi Band of Choctaw Indians and Madison County Planning and Zoning Commission. Additionally, Leah is an approved Mississippi Tort Claims Board attorney and serves as counsel to a local tourism commission. She is active within the Mississippi Bar, having recently served on the Diversity Committee and Women in the Law Committee.



MISSISSIPPI SUPREME COURT REVERSES COURSE ON STATUTE OF LIMITATIONS FOR INTENTIONAL TORTS

Recently, the Mississippi Supreme Court overruled a prior decision (from 2010) and pronounced its new rule that the claims of intentional infliction of emotional distress and abuse of process are governed by Mississippi's general three-year statute of limitations (Miss. Code § 15-1-49). See *GEICO Cas. Co. v. Stapleton*, 315 So. 3d 464 (Miss. 2021). In *Jones v. Fluor Daniel Servs. Corp.*, 32 So. 3d 417 (Miss. 2010) the Court had ruled that the claims, as intentional torts, were subject to the one-year statute governing intentional torts (Miss. Code § 15-1-35).

The Supreme Court reviewed its prior holding *sua sponte*, even though the appellant conceded that it was “well settled” that the one-year statute applied to his claims. The question on appeal was when the cause of action accrued. Nevertheless, the Court expressly overruled its holding in *Jones*, and announced a return to its original interpretation that the three-year catch-all statute applies to claims for intentional infliction of emotional distress and abuse of process.

The Supreme Court's holding effectively limits application of the one-year limitations period to those torts specifically listed in § 15-1-35, which includes: assault and battery, maiming, false imprisonment, malicious arrest, or menace, libel, slander, and slander to title, and failure to employ.

The Supreme Court's decision can be accessed through [this link](#).



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