



TAYLOR
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June 2023



YAZOO COUNTY TRUCKING VERDICT

A Defendant driver was operating a fully loaded logging truck in Yazoo City for Kincaid Trucking. As he proceeded at the intersection of Highway 49 and Broadway Street, he followed another truck through it. The signal had turned red and the Defendant driver did not stop. A moment later and, in a hard impact, he struck a Ford Explorer driven by the Plaintiff. The Plaintiff's vehicle was broadsided on the driver's side. The Plaintiff was briefly unconscious and pinned between the door and the center console.

RECENT CASES AND NEWS

MISSISSIPPI GENERAL
LIABILITY NEWSLETTER

The Plaintiff treated for several injuries. She had a laceration to her scalp and a bruised cornea. The laceration took six staples at the ER to close it. She also complained of post concussive symptoms that were linked to a mild traumatic brain injury. The Plaintiff also reported a rotator cuff tear which was surgically repaired. Her medical bills were \$54,203.00 and future medicals (supported by Dr. Howard Katz, Physical Medicine, and quantified by George Carter, Economist), were approximately \$94,000.00.

Liability was admitted by the defense. The Plaintiff sought damages in a single general category. Her husband presented a derivative consortium claim. The defense of the case diminished the claimed injury. This case was tried for two days in Yazoo City. The jury determined that Young was injured and made her a general award of damages in the sum of \$125,000. The consortium claim was rejected.

Attorney Spotlight



Caylan Dunnells

Caylan was born in Jackson, Mississippi and has spent most of her life in the Jackson Metro area. She attended Mississippi College, where she graduated magna cum laude in 2014 with a Bachelor of Science degree in political science. She then obtained her law degree from Mississippi College School of Law in 2017, again graduating magna cum laude. While in law school, Caylan competed with the law school's nationally-ranked Moot Court program, and was inducted into the National Order of Barristers.

With a background in high-stakes litigation in both state and federal courts, Caylan has a keen understanding of the importance of zealous advocacy for her clients. Most recently, she was recognized as a "Rising Star" by the 2022 installment of Mid-South Super Lawyers. Caylan's areas of practice include insurance defense, premises liability, transportation law, and general personal injury defense.

While away from the demands of her practice, Caylan enjoys time with her husband and two children, playing board games, reading, traveling, and attending New Orleans Saints games.



MUNICIPAL TRIAL AWARD AGAINST CITY OF MERIDIAN

A City of Meridian police officer responded to a burglary call. He drove his police cruiser on 8th Street. The speed limit on 8th Street is 35 mph. It was a clear night and there was very little traffic. The officer illuminated the blue lights on his vehicle but did not turn on his siren. He headed to the scene of the burglary call and in so doing, ran through three red light intersections at high speed. As the officer approached the third intersection, his dash camera showed the light turning from green to yellow and finally, to red. The officer hit the brakes and slowed from 81 mph to 72 mph. He was accelerating again as he went through the next intersection and red light. His speed was 78 mph which was 43 mph over the speed limit.

At the same time, the Plaintiff had come to the red light on 39th Avenue at its intersection with 8th Street. He waited at the intersection until the light turned green. When it did turn, the Plaintiff began a left turn. The Plaintiff's view of traffic on 8th Street was blocked in part by a building – that same building blocked the officer's view of 39th Avenue traffic.

As the Plaintiff entered the intersection, he first noticed the officer's speeding cruiser. In an effort to avoid a collision, the Plaintiff abandoned the left turn and tried to continue going straight. The officer too saw the Plaintiff at the last moment and tried to veer left. The officer struck the front end of the Plaintiff's vehicle, sending that vehicle into a utility pole. The Plaintiff treated for a rotator cuff tear as well as aggravating chronic neck and back conditions. The Plaintiff had a knee injury. His injuries were confirmed by a treating orthopedist, Dr. Charles Wiggins, Pascagoula. A vocational expert, Bruce Brawner, quantified the Plaintiff's economic loss.

The Plaintiff pursued this MTCA action against the City of Meridian. It was predicated on reckless disregard by the officer in speeding through the city streets and running red lights at high speed. The City of Meridian defended on liability and argued that the Plaintiff should have seen the blue lights on the cruiser and yielded to him. The government also argued that the officer's conduct (even if negligent) did not rise to the level of reckless disregard.

This case was tried as a bench trial in front of Judge Wright. Judge Wright first noted that the officer enjoyed immunity except to the extent that he acted with reckless disregard. Judge Wright focused on the fact that the officer was traveling at 78 mph on a city street as he ran a red light. The judge concluded the officer took "no measures" to avoid the collision as he blew through the red light and this represented a "conscious indifference" to the safety of others. Thus, the Plaintiff had met his "reckless disregard" proof burden.

Judge Wright awarded the Plaintiff his lost wages of \$92,664, and incurred medical bills of \$115,423. The court added \$50,000 more for future medical treatments. Finally, for the Plaintiff's pain and suffering, the court awarded \$50,000. The bench verdict totaled \$308,097 and was memorialized in the final judgment.



SLIP AND FALL DEFENSE VERDICT IN HATTIESBURG

The Plaintiff was shopping at Beauty Land Beauty Supply of Hattiesburg. She was a regular customer. The store featured a red carpet, that was extremely worn in several places. This created a variety of humps, bumps and dips. As the Plaintiff navigated the store near the register, she tripped on a dip in the worn carpet. She fell hard and sustained a broken leg. The Plaintiff underwent a surgical repair the next day. Thereafter, she was hospitalized for several weeks and then endured a period of rehabilitation. The Plaintiff was already disabled from other conditions at the time of her fall but, there was evidence this fall left her with more significant limitations. The Plaintiff sued Beauty Land and alleged negligence regarding the condition of the worn carpet.

The Plaintiff died two years after the fall of unrelated causes. Her estate continued to advance the action to trial. If the plaintiff prevailed it sought compensatory damages in a single “general” category. The plaintiff’s case was buttressed with expert proof from Dr. Howard Katz, Physical Medicine, and Bruce Brawner, Vocational Rehab.

Beauty Land denied fault for the incident and suggested the condition of the carpet was not dangerous at all. It was instead described as a naturally-encountered imperfection and minor defect that did not rise to the level of a danger.

This case was tried in Hattiesburg for two days. The court’s liability instruction asked if the carpet was in a dangerous condition. The jury said no so it then did not reach a conclusion as to whether Beauty Land was negligent or the plaintiff’s duties, apportionment or damages. A defense judgment was entered.



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The success we have seen is because of the way we built our practice. It's about more than routine strategies. It's about creative resolutions to difficult legal questions. It's about how we treat our clients and each other and how we work together to build the best possible defense for every single case. It's

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