



TAYLOR  
WELLONS  
POLITZ & DUHE

November 2023



## LEFLORE COUNTY INDUSTRIAL ACCIDENT VERDICT

Plaintiff was a maintenance worker for the government of Leflore County. He was making repairs on the roof of the Leflore County Civic Center in 2018. Plaintiff was thirty feet high on a articulating boom lift manufactured by Genie Industries that Leflore County had rented from Mid-South Rentals. Suddenly, the lift collapsed.

Plaintiff was killed in the resulting fall. He was survived by his wife and adult daughter. His estate alleged the boom lift was defective. The purported defect was that the lift could not support claimant's weight when fully extended. This caused an anti-rotation pin to snap and pop out at a critical assembly joint which led to the lift's collapse. The Plaintiff also alleged negligent warnings by Genie. The Plaintiff's key expert was Anthony Bond, Engineer, St. Louis. Plaintiff's estate originally filed this lawsuit in federal court in Oxford against Genie. The suit at that time enjoyed complete diversity. Plaintiff later amended their complaint to name Mid-South Rentals. The presiding Judge Michael Mills then dismissed the case without prejudice as there was no longer complete diversity.

RECENT CASES AND NEWS

MISSISSIPPI GENERAL  
LIABILITY NEWSLETTER

In his order, Judge Mills explained that the estate had acted in good faith, only learning after filing the lawsuit of Mid-South Rental's exposure. The estate then refiled the action in Leflore County and it advanced to trial in Greenwood.

Genie defended on several fronts. It was critical of Leflore County's failure to maintain and inspect the lift. It also denied there was a defect in the lift or that the warnings were inadequate. The jury could assess fault to the nonparty Leflore County. This case was tried over seven days and the jury then deliberated 1.5 hours. The verdict was mixed on fault. It found against Genie and the nonparty Leflore County. That fault was assessed 90% to Genie and 10% to the government.

The estate was awarded economic damages of \$364,571. That constituted lost wages of \$132,86 and \$233,745 for the present value of the decedent's future lost wages. The funeral bill totaled \$8,000. The jury awarded \$9.5 million for the estate's non-economic damages. That included the claimant's suffering as well as the consortium claim of his widow and daughter. The raw verdict totaled \$9,864,571 which was assessed 90% or an adjusted verdict of \$8,878,113 against Genie. However, the final judgment against Genie was dramatically reduced by Mississippi's tort scheme. That final judgment was \$1,103,114.

## Attorney Spotlight



### Amanda Orr

Amanda is a 2012 graduate of the Mississippi College School of Law, and is licensed to practice in both Mississippi and Georgia. Her practice areas include Insurance Defense, Automobile and Commercial Ground Transportation Litigation, and Premises Liability, but her primary focus is Workers' Compensation defense.

While in law school, Amanda earned the American Jurisprudence Award in Workers' Compensation and Appellate Advocacy and competed as a Finalist in the Mississippi Workers' Compensation Moot Court Competition. That same year, she was named a National Semi-Finalist at the E. Earle Zehmer Workers' Compensation Moot Court Competition, and won first place for Best Written Brief. Amanda's experience in the workers' compensation field grew further when she participated in an externship at the Mississippi Workers' Compensation Commission, working closely with all of the Administrative Judges. Amanda handles all phases of litigation in federal and state courts, and brings a unique and enthusiastic approach in defending cases. In every case, her goal is to bring closure to cases to her clients' highest satisfaction.

Amanda regularly attends and speaks at conferences to educate employers and insurance carriers, and was recently honored to serve as a Panelist for the Jackson Women in Leadership Symposium held in Jackson, Mississippi.



## **AUTOMOBILE VERDICT – FEDERAL COURT – SOUTHERN DISTRICT OF MISSISSIPPI**

Plaintiff traveled on Hwy 613 in Moss Point, Mississippi. She slowed to make a turn into a private drive. As Plaintiff made the turn, she was rear-ended by the driver. It was a moderate impact. Fault was no issue. Plaintiff treated for a C6-7 disc injury as identified by an MRI. She underwent trigger point injections and a course of chiropractic care. Her medical bills totaled \$10,800. The treating Dr. Christopher Burks, Orthopedics, Biloxi, confirmed the injury and that it had aggravated degenerative conditions. Plaintiff moved first against the tortfeasor, a GEICO insured, who tendered her \$25,000 policy limits. Plaintiff then sought UIM coverage from her carrier, Safeco. Plaintiff had a \$50,000 UIM policy and thus any award against Safeco in excess of \$75,000 would exhaust the policy. Safeco initially valued the case and offered Plaintiff \$12,491 in new money. She rejected it and filed this lawsuit in Jackson County. Safeco removed the case to federal court. Safeco defended the claim and minimized the injuries of its insured. The jury was asked what damages Plaintiff had proven. This jury answered "\$50,000" in a general award. The final judgment for Plaintiff was \$25,000 representing the verdict less the underlying \$25,000 limits.



## **MADISON COUNTY SLIP AND FALL VERDICT**

Plaintiff visited a commercial office building in Madison, Mississippi in 2019 owned by Klondike Oil & Gas Company. Plaintiff was going to see her State Farm agent who was a tenant. The building features an entranceway that has stepping stones. As Plaintiff walked up the steps, she stumbled on a loose cobblestone. This caused her to fall backwards. She suffered a broken wrist and shoulder injury in the fall. Plaintiff treated with an orthopedist, Dr. James Moss, Flowood. In this lawsuit, Plaintiff and her husband sued Klondike. They alleged negligence regarding the premises and particularly the loose cobblestone. They also relied on an architect expert, Mark Williams, who opined that the entranceway violated local building standards. It was interesting that as the case came to trial, the Plaintiffs sought damages in a single general category. That category encompassed Plaintiff's medical bills, pain and suffering and the derivative consortium claim.

Klondike Oil denied there was a defect in the entrance and noted that Plaintiff's husband had safely traversed the entrance. The defense also implicated Plaintiff's comparative fault. The jury found Klondike Oil was negligent. It also found Plaintiff at fault. That fault was assessed 60% to Plaintiff and the remainder to Klondike Oil. The jury then made the Plaintiffs a general award of \$50,000. It was reduced by comparative fault to \$20,000.

## **MINOR SETTLEMENTS IN MISSISSIPPI – GENERAL UPDATE**

- All settlements involving minors must be court approved to ensure an enforceable release;
- The age of majority for minors in Mississippi is 21 years old;
- A conservatorship is required for all settlements in excess of \$25,000.

Taylor Wellons is equipped to handle any court approval for settlements with minors with efficient and expedited care throughout the State of Mississippi.





TAYLOR  
WELLONS  
POLITZ & DUHE



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

**PRACTICE,      "**  
**MADE PERFECT**

BATON ROUGE NEW ORLEANS COVINGTON MISSISSIPPI

[WWW.TWPDLAW.COM](http://WWW.TWPDLAW.COM)

866-514-9888 TF