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# MISSISSIPPI GENERAL LIABILITY NEWSLETTER

RECENT CASES AND NEWS



## JACKSON COUNTY PREMISES LIABILITY VERDICT

Plaintiff visited the Hacienda San Miguel House of Tequila in Moss Point, a Mexican restaurant. Plaintiff walked inside past the hostess stand. He went directly to an outside patio. For Plaintiff to reach the patio, he had to open a door and navigate a four-inch step down. Plaintiff did not appreciate the step, which caused him to trip and fall. Plaintiff sustained a ruptured quadriceps tendon in the fall. Dr. Donnis Harris, Orthopedics, Pascagoula, performed a surgical repair. Plaintiff sued House of Tequila and alleged negligence regarding the danger of the four-inch drop-off. He cited that it was poorly marked. A building expert, Phillip Shaw, opined that the premises were not compliant with the local building code. Plaintiff sought damages in three categories: medical bills, lost wages and pain and suffering.

House of Tequila denied fault and implicated Plaintiff's own negligence in failing to check-in with the hostess (there was a sign so indicating) and then failing to notice the patio was visibly lower than the rest of the restaurant. An architect expert, Robert Luke, Meridian, testified the premises were code compliant. Plaintiff countered that it was difficult to appreciate the drop-off when opening the door and stepping outside.

This case was tried for two days in Pascagoula. The jury answered "yes" in three separate interrogatories that House of Tequila was negligent, that Plaintiff suffered injury and finally, that the negligence was a substantial factor in causing injury to Plaintiff. The jury answered the same way as to Plaintiff's duties. Fault was assessed 70% to House of Tequila and 30% to Plaintiff. The jury then awarded Plaintiff medical bills of \$50,000 and \$9,000 in lost wages. His pain and suffering was \$70,000. The raw verdict totaled \$129,000. A consistent judgment less comparative fault was entered for Plaintiff in the sum of \$90,300.

## Attorney Spotlight



### Jeremy D. Hawk

Jeremy was born and raised on the Mississippi Gulf Coast. He received his undergraduate degree from the University of South Alabama in Mobile where he graduated with a B.A. in English in 2000. He then attended law school at Mississippi College School of Law in Jackson where he was the recipient of the Victor Mavar scholarship and graduated in 2003 with his Juris Doctor. Following law school, Jeremy was a partner at a regional law firm gaining 16 years of experience in Mississippi practice.

Jeremy is a trial attorney who handles a variety of legal matters in both state and federal courts throughout Mississippi. He is a AV Preeminent Rated and a Silver Client Champion with Martindale Hubbell and Lawyers.com. Jeremy is the Mississippi representative for Eagle International Associates ([www.eagle-law.com](http://www.eagle-law.com)), which is an international network of independent law firms, adjusters and claims related service providers throughout the United States, Canada and Europe.

Jeremy's practice focuses on the defense of general personal injury matters for individuals, companies and insurance carriers. Jeremy's practice also includes the defense of motor vehicle accidents, premises liability, professional liability and E&O claims, insurance coverage disputes, bad faith litigation, trucking defense, employment and labor defense and other general insurance defense matters. Jeremy has tried numerous jury cases to verdict in both state and federal courts in Mississippi.

# AUTO NEGLIGENCE AWARD IN DESOTO COUNTY

Plaintiff was stopped at a red light on Airways Boulevard in DeSoto County. She was driving a Ford Fusion sedan. The Plaintiff had a passenger in her vehicle. The Plaintiff's vehicle was rear-ended by the Defendant. It was a minor impact. Defendant conceded fault for the crash. Both Plaintiff driver and Plaintiff passenger subsequently treated at the ER for soft-tissue symptoms. They followed with a course of chiropractic care. Their medical bills were not reflected in the record. In this lawsuit, both Plaintiffs sued Defendant and sought damages. Having conceded fault for the wreck, the Defendant focused on contesting the claimed injuries. This case was tried in a single day in Hernando. The jury answered for both Plaintiffs that the Defendant was "guilty" of so-called "proximate negligence." Plaintiff driver took a general award of \$8,000. The verdict for Plaintiff passenger was \$2,000.

## GULF COAST – AUTO VERDICT

Plaintiff was stopped at a red light in Moss Point. A moment later, she was rear-ended by Defendant. Defendant explained that the light turned green and when Plaintiff did not move forward, she struck her. This was no basic fender-bender and involved a moderate impact. Plaintiff's vehicle cost approximately \$8,000 to repair. Plaintiff thereafter treated for whiplash which included a trip to the ER on the date of the wreck, 11 chiropractic visits, and a course of physical therapy. Her medical bills were \$15,948. Plaintiff was a home health nurse and missed three eight-hour shifts. Her lost wages were \$264. Plaintiff's treating orthopedist confirmed the whiplash injury and linked it to the crash.

In this lawsuit, Plaintiff sought damages from Defendant, including her medical bills, lost wages and pain and suffering. Defendant conceded fault and described the collision as "just an accident." The defense also minimized the claimed injury. Defendant did not call any witnesses at trial. As the parties made their closing arguments, Plaintiff's counsel asked for the specials and \$40,000 for pain and suffering. Defendant suggested the specials plus \$5,000 to \$10,000 in pain and suffering. This case was tried in a single day and the jury deliberated 30 minutes. The verdict was for Plaintiff and she took a general award of \$31,212. While the award was "general" in nature, the jury's method is easy to discern. The \$31,212 represented the medical and lost wages specials (exactly) plus \$15,000 for pain and suffering.



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