

MISSISSIPPI COURT OF APPEALS

Rechelle Brooks, on Behalf of J.S., III, a Minor v. Natchez Hospital Company, LLC d/b/a Merit Health Natchez

No. 2024-CA-01168-COA (Miss. Ct. App. June 9, 2026) · No. No. 2024-CA-01168-COA · Decided June 9, 2026

SUMMARY

The Mississippi Court of Appeals affirmed summary judgment for Natchez Hospital Company in a medical malpractice action brought on behalf of a minor. The court held that the trial court did not abuse its discretion in denying a Rule 56(f) continuance and that the plaintiff's failure to designate an expert was fatal because expert testimony was required to establish breach and proximate cause. A dissent argued that the timely requests for an extension and continuance should have been granted.

CASE DETAILS

COURT	Mississippi Court of Appeals
WRITING FOR THE COURT	McCarty, J.; Barnes, C.J.; Carlton, P.J.; Wilson, P.J.; Lawrence, J.; Emfinger, J.; Weddle, J.; Lassitter St. Pé, J.; Westbrook, J.; McDonald, J.
JURISDICTION	Mississippi Court of Appeals
DECIDED	June 9, 2026
DOCKET	No. 2024-CA-01168-COA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Adams County Circuit Court's denial of a Rule 56(f) motion for a continuance and grant of summary judgment to the defendant hospital in a medical-malpractice action.
STANDARD OF REVIEW	Denial of a motion for continuance is reviewed for abuse of discretion. Grant of summary judgment is reviewed de novo.
PRECEDENTIAL VALUE	Published opinion; precedential under Mississippi law.
PARTIES	Rechelle Brooks, on behalf of J.S., III, a minor v. Natchez Hospital Company, LLC d/b/a Merit Health Natchez

TOPICS

medical malpractice

summary judgment

discovery dispute

standard of review

civil procedure

PRACTICE AREAS

medical malpractice

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QUESTIONS PRESENTED

1. Whether the circuit court abused its discretion by denying Brooks's Rule 56(f) motion for a continuance or additional time to designate an expert and respond to summary judgment.
2. Whether summary judgment was proper because Brooks failed to designate expert testimony required to establish her medical-malpractice claim.
3. Whether Brooks's breach-of-warranty claim could survive summary judgment without expert designation and without supporting authority on appeal.

HOLDINGS

1. The circuit court acted within its discretion in denying Brooks's request for a continuance because she did not present specific facts, an affidavit, or good cause showing why additional discovery was necessary and how it would enable her to oppose summary judgment.
2. Summary judgment was proper because Brooks failed to designate an expert, and expert testimony was required to establish the elements of her medical-malpractice claim, including breach and proximate causation.
3. The breach-of-warranty argument was procedurally waived for failure to cite supporting authority and, alternatively, lacked merit because it duplicated the medical-malpractice theory and lacked the expert proof required to establish negligence.

KEY QUOTATIONS

“Rule 56(f) works as a safety valve when a nonmovant is unable to respond to summary judgment motions due to delays in discovery not fully within their control.” (§22)

“Rule 56(f) does not protect dilatory litigants.” (§22)

“Expert testimony is essential to establish these elements, and without it, summary judgment generally must be granted.” (§34)

“Not only must this expert identify and articulate the requisite standard that was not complied with, the expert must also establish that the failure was the proximate cause, or proximate contributing cause, of the alleged injuries.” (§41)

FACTUAL BACKGROUND

Seven-year-old J.S. was treated at Merit Health Natchez for a ruptured and gangrenous appendix, underwent an appendectomy, and received postoperative antibiotics and monitoring. He later developed an abdominal abscess and was transferred to the University of Mississippi Medical Center, where another abscess was discovered and additional surgery was performed. Brooks alleged that the hospital failed to monitor J.S. adequately after the

initial surgery, causing further infection, an extended hospitalization, expenses, and pain and suffering. She did not designate an expert witness by the court-ordered deadline.

PROCEDURAL HISTORY

Brooks sued Natchez Hospital Company, LLC, alleging medical negligence and breach of warranty arising from her minor son's postoperative infection and abscesses. The hospital's motion to dismiss based on the statute of limitations was denied. After extended discovery, Brooks failed to designate an expert by the court-ordered deadline and moved for an extension; after the hospital moved for summary judgment, Brooks sought a Rule 56(f) continuance. The circuit court denied the continuance and granted summary judgment, and the Court of Appeals affirmed both rulings.

DISPOSITION

affirmed

CASES CITED

- O'Hea v. George Reg'l Health & Rehab. Ctr., 276 So. 3d 1266, 1269 (¶6) (Miss. Ct. App. 2018)
- Owens v. Thomae, 759 So. 2d 1117, 1120 (¶10) (Miss. 1999)
- Johnson v. Pace, 122 So. 3d 66, 68 (¶7) (Miss. 2013)
- Robinson v. S. Farm Bureau Cas. Co., 915 So. 2d 516, 520 (¶10) (Miss. Ct. App. 2005)
- Stallworth v. Sanford, 921 So. 2d 340, 342-43 (¶9) (Miss. 2006)
- Davis v. Hindman, 138 So. 3d 214, 217 (¶10) (Miss. Ct. App. 2014)
- Phillips v. Delta Reg'l Med. Ctr., 290 So. 3d 386, 391 (¶18) (Miss. Ct. App. 2020)
- Bowie v. Montfort Jones Mem'l Hosp., 861 So. 2d 1037, 1042 (¶14) (Miss. 2003)
- Mixon v. Berry, 351 So. 3d 983, 990 (¶19) (Miss. Ct. App. 2022)
- Rainer v. River Oaks Hosp. LLC, 282 So. 3d 751, 757 (¶21) (Miss. Ct. App. 2019)
- Lakeland Premier Women's Clinic PLLC v. Jackson, 426 So. 3d 1062, 1065 (¶9) (Miss. 2025)
- Cates v. Woods, 169 So. 3d 902, 904, 907, 909-10 (¶¶4, 12, 21, 23) (Miss. Ct. App. 2014)
- Meena v. Wilburn, 603 So. 2d 866, 870 n.9 (Miss. 1992)
- Williams v. Manhattan Nursing & Rehab. Ctr. LLC, 148 So. 3d 20, 22 (¶10) (Miss. Ct. App. 2014)
- McDonald v. Mem'l Hosp. at Gulfport, 8 So. 3d 175, 180 (¶12) (Miss. 2009)
- Barner v. Gorman, 605 So. 2d 805, 809 (Miss. 1992)
- Nevels v. Miss. Dep't of Emp. Sec., 39 So. 3d 995, 997 (¶10) (Miss. Ct. App. 2010)
- Phillips v. Hull, 516 So. 2d 488, 494 (Miss. 1987)
- Ross v. Hodges, 234 So. 2d 905, 909 (Miss. 1970)
- Whittington v. Mason, 905 So. 2d 1261, 1266 (¶¶21, 28) (Miss. 2005)
- Stanley v. Scott Petroleum Corp., 184 So. 3d 940, 943 (¶7) (Miss. 2016)
- Harris v. Ratcliff, 391 So. 3d 207, 212 (¶12) (Miss. Ct. App. 2024), cert. denied, 391 So. 3d 819 (Miss. 2024)

- Knight v. Tyler Holmes Mem'l Hosp., 201 So. 3d 1088, 1090-91 (¶10) (Miss. Ct. App. 2016)
- Swafford v. Manejwala, 210 So. 3d 1007, 1008 (¶1) (Miss. Ct. App. 2015)

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