

SUPREME COURT OF MISSISSIPPI

The Estate of Stacey Kay Klaus by Alta Klaus, Administratrix and Alta Klaus as Personal Representative of the Wrongful Death Beneficiaries of Stacey Kay Klaus v. Vicksburg Healthcare, LLC d/b/a River Region Health Systems, River Region Medical Corporation, Triad Hospitals, Inc., Stephanie Vanderford, R.N., and Eugene Ferris, III, M.D.

Klaus v. Vicksburg Healthcare · No. No. 2006-IA-00675-SCT · Decided April 4, 2006

SUMMARY

The Mississippi Supreme Court considered whether Mississippi Code § 11-1-60(2)(a) limits noneconomic damages to \$500,000 in the aggregate or separately for each wrongful-death beneficiary in a medical-malpractice action. Applying Mississippi Code § 1-3-33 and its prior decision in *Allred*, the majority held that the cap applies collectively to all plaintiffs bringing the wrongful-death action. The court affirmed the circuit court's declaratory judgment and remanded the case for further proceedings.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Randolph, Justice; Smith, Chief Justice; Waller, Presiding Justice; Easley, Justice; Carlson, Justice; Dickinson, Justice; Lamar, Justice; Diaz, Presiding Justice; Graves, Justice
JURISDICTION	Mississippi
DECIDED	April 4, 2006
DOCKET	No. 2006-IA-00675-SCT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal under Mississippi Rule of Appellate Procedure 5 from a declaratory judgment determining that Mississippi's medical-malpractice noneconomic-damages cap applied to the wrongful-death cause of action regardless of the number of beneficiaries.
STANDARD OF REVIEW	De novo review applies because the interlocutory appeal presents a question of law involving statutory interpretation.

PRECEDENTIAL VALUE	Published en banc opinion of the Supreme Court of Mississippi; binding statewide precedent.
PARTIES	The Estate of Stacey Kay Klaus by Alta Klaus, Administratrix, Alta Klaus as Personal Representative of the Wrongful Death Beneficiaries of Stacey Kay Klaus v. Vicksburg Healthcare, LLC d/b/a River Region Health Systems, River Region Medical Corporation, Triad Hospitals, Inc., Stephanie Vanderford, R.N., Eugene Ferris, III, M.D.

TOPICS

statutory interpretation plain meaning rule legislative intent wrongful death interlocutory appeal

PRACTICE AREAS

statutory interpretation wrongful death medical malpractice damages appellate procedure

QUESTIONS PRESENTED

1. Whether Mississippi Code Annotated Section 11-1-60(2)(a) limits noneconomic damages to \$500,000 in the aggregate for all wrongful-death beneficiaries and the estate in a medical-malpractice action, or instead permits a separate \$500,000 cap for each beneficiary.

HOLDINGS

1. Mississippi Code Annotated Section 11-1-60(2)(a)'s \$500,000 cap on noneconomic damages applies collectively to all plaintiffs bringing a wrongful-death action under Section 11-7-13, including the estate and the wrongful-death beneficiaries; the cap is not multiplied by the number of plaintiffs.

KEY QUOTATIONS

“In light of Mississippi Code Annotated Section 11-1-33 and this Court’s decision in Allred, the cap on noneconomic damages applies to plaintiff or plaintiffs.” (§11)

“Therefore, the cap on noneconomic damages in Mississippi Code Annotated Section 11-1-60(2)(a) applies to all plaintiffs who bring a wrongful-death action pursuant to Mississippi Code Annotated Section 11-7-13.” (§11)

FACTUAL BACKGROUND

Stacey Kay Klaus died following surgery at River Region Hospital. Her mother, Alta Klaus, filed a medical-malpractice wrongful-death action on behalf of the estate and the wrongful-death beneficiaries, which included Alta, Stacey's father Sylvain, and Stacey's half-sister Marian. The beneficiaries sought a declaration that Mississippi's \$500,000 medical-malpractice noneconomic-damages cap applied separately to each beneficiary rather than to the total recovery.

PROCEDURAL HISTORY

Alta Klaus filed a medical-malpractice wrongful-death complaint in Warren County Circuit Court as administratrix of Stacey Klaus's estate and as personal representative of the wrongful-death beneficiaries. The plaintiffs sought a declaratory judgment concerning whether the \$500,000 noneconomic-damages cap applied separately to each beneficiary or in the aggregate. The circuit court ruled that the cap applied to the cause of action regardless of the number of beneficiaries, and the Mississippi Supreme Court granted an interlocutory appeal, affirmed, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Warren County Circuit Court for further proceedings consistent with the opinion.

CASES CITED

- Miss. Dep't of Transp. v. Allred, 928 So. 2d 152, 154-56 (Miss. 2006)
- Cooper v. Crabb, 587 So. 2d 236, 239 (Miss. 1991)
- City of Natchez v. Sullivan, 612 So. 2d 1087, 1089 (Miss. 1992)
- Lee v. Thompson, 859 So. 2d 981, 987 (Miss. 2003)
- Miss. Ethics Comm'n v. Grisham, 957 So. 2d 997, 1003 (Miss. 2007)
- Miss. Gaming Comm'n v. Imperial Palace of Miss., Inc., 751 So. 2d 1025, 1028 (Miss. 1999)
- Clark v. State ex rel. Miss. State Med. Ass'n, 381 So. 2d 1046, 1048 (Miss. 1980)
- Allred v. Yarborough, 843 So. 2d 727, 730 (Miss. 2003)
- McMullen v. State ex rel. Alexander, 217 Miss. 256, 271, 63 So. 2d 856, 861 (1953)
- Rose v. Bologna, 942 So. 2d 1287, 1290 (Miss. 2006)
- 66 Fed. Credit Union v. Tucker, 853 So. 2d 104, 109-10 (Miss. 2003)
- Choctaw, Inc. v. Wichner, 521 So. 2d 878, 881 (Miss. 1988)
- St. Mary's Hosp., Inc. v. Phillipe, 769 So. 2d 961, 967-72 (Fla. 2000)
- Moore v. Mobile Infirmary Ass'n, 592 So. 2d 156, 166-67 (Ala. 1991)
- Carson v. Maurer, 424 A.2d 825, 940-41 (N.H. 1980)
- Cnty. Res. for Justice, Inc. v. City of Manchester, 917 A.2d 707, 721 (N.H. 2007)