

SUPREME COURT OF MISSISSIPPI

Cynthia S. Woodall v. AAA Ambulance Service, Inc.

161 So. 3d 1071 (Miss. 2015) · No. No. 2013-CA-02124-SCT · Decided April 23, 2015

SUMMARY

The Mississippi Supreme Court held that AAA Ambulance Service, Inc. was an instrumentality of governmental entities and therefore entitled to protection under the Mississippi Tort Claims Act. Because the wrongful-death complaint was filed after the Act's one-year statute of limitations, the court affirmed summary judgment for the defendants.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Dickinson, Presiding Justice; Waller, Chief Justice; Randolph, Presiding Justice; Lamar, Justice; Kitchens, Justice; Chandler, Justice; Pierce, Justice; King, Justice; Coleman, Justice
JURISDICTION	Mississippi
DECIDED	April 23, 2015
DOCKET	No. 2013-CA-02124-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from a Pike County Circuit Court order granting defendants summary judgment in a wrongful-death action on the ground that defendants were protected by the Mississippi Tort Claims Act and that the complaint was untimely.
STANDARD OF REVIEW	Whether an entity is subject to Mississippi Tort Claims Act protection is a question of law reviewed de novo. Summary judgment is proper when the record shows no genuine issue of material fact and the movant is entitled to judgment as a matter of law, with evidence viewed in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential
PARTIES	Cynthia S. Woodall, individually, as administratrix of the estate, and on behalf of all wrongful-death beneficiaries of Clifton Woodall, deceased v. AAA Ambulance Service, Inc.

TOPICS

wrongful death

summary judgment

municipal liability

civil procedure

medical malpractice

PRACTICE AREAS

torts

civil procedure

municipal law

health law

QUESTIONS PRESENTED

1. Whether AAA Ambulance Service, Inc. was an instrumentality of governmental entities and therefore entitled to protection under the Mississippi Tort Claims Act.
2. Whether the alleged contractual language describing AAA as an independent contractor defeated its status as a governmental instrumentality.
3. Whether the prior position expressed by AAA's counsel in a 1998 letter created a genuine issue of material fact concerning AAA's instrumentality status.

HOLDINGS

1. AAA was an instrumentality of governmental entities because governmental entities wholly owned it and exercised substantial control over both its strategic and day-to-day operations. AAA therefore was entitled to protection under the Mississippi Tort Claims Act.
2. The contractual provisions describing AAA as an independent contractor did not defeat instrumentality status because the governmental entities owned AAA and overwhelmingly controlled its operations.
3. AAA's 1998 letter asserting that it was not a governmental entity or political subdivision did not create a genuine issue of material fact because the letter predated the controlling instrumentality analysis and instrumentality status is a legal question reviewed de novo.
4. Summary judgment was proper because the Mississippi Tort Claims Act supplied the exclusive civil remedy, imposed a one-year statute of limitations, and Woodall filed her complaint outside that limitations period.

KEY QUOTATIONS

"We find it clear that governmental entities control AAA." (at 1077-78)

"We agree with the circuit judge that AAA is an instrumentality of governmental entities, and that it is entitled to Tort Claims Act protection." (at 1080)

FACTUAL BACKGROUND

On July 3, 2010, Clifton Woodall suffered cardiac arrest while working in McComb, Mississippi. A homeowner called 911, and the call was transferred to AAA Ambulance Service. Woodall alleged that AAA failed to respond and arrive timely and that its ambulance crew failed to follow cardiac-arrest protocols and made only minimal efforts to provide proper care. AAA was wholly owned and substantially controlled by governmental entities, including the City of Hattiesburg, Forrest County, and Forrest County General Hospital.

PROCEDURAL HISTORY

Woodall filed a wrongful-death action on February 24, 2012, based on AAA's alleged failure to timely respond to and properly treat her husband's cardiac arrest. AAA and McKey moved to dismiss, arguing that they were governmental entities or instrumentalities protected by the Mississippi Tort Claims Act, that the Act supplied the exclusive procedural avenue, and that Woodall failed to comply with the one-year limitations period and ninety-day notice requirement. After allowing discovery concerning defendants' status, the circuit court granted summary judgment and dismissed the complaint. The Mississippi Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Anderson v. LaVere, 136 So. 3d 404 (Miss. 2014)
- Bolivar Leflore Med. Alliance, LLP v. Williams, 938 So. 2d 1222 (Miss. 2006)
- Amiker v. Drugs For Less, Inc., 796 So. 2d 942 (Miss. 2000)
- Estate of Grimes v. Warrington, 982 So. 2d 365 (Miss. 2008)
- Poppenheimer v. Estate of Coyle, 98 So. 3d 1059 (Miss. 2012)
- Flye v. Spotts, 94 So. 3d 240 (Miss. 2012)