

MISSISSIPPI COURT OF APPEALS

Robin Seale and Lawrence "JR" Seale v. Mississippi Transportation
Commission and Pontotoc County Board of Supervisors

No. 2024-CA-01100-COA (Miss. Ct. App. Mar. 24, 2026) · No. No. 2024-CA-01100-COA · Decided March 24,
2026

SUMMARY

The Mississippi Court of Appeals affirmed summary judgment dismissing the Seales’ claims against the Mississippi Transportation Commission and Pontotoc County Board of Supervisors. The court held that the tort claims were barred by the Mississippi Tort Claims Act’s statute of limitations and that the inverse-condemnation claim was barred by the applicable three-year limitations period because the plaintiffs failed to provide evidence that they discovered the alleged injury within that period.

CASE DETAILS

COURT	Mississippi Court of Appeals
WRITING FOR THE COURT	Emfinger, J.; Barnes, C.J.; Carlton, P.J.; Wilson, P.J.; Lawrence, J.; McCarty, J.; Weddle, J.; Lassitter St. Pé, J.; Westbrooks, J.; McDonald, J.
JURISDICTION	Mississippi Court of Appeals
DECIDED	March 24, 2026
DOCKET	No. 2024-CA-01100-COA
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Seales appealed the Pontotoc County Circuit Court's order granting the defendants' motions for judgment on the pleadings or, alternatively, for summary judgment, and dismissing their claims for inverse condemnation, negligence, gross negligence, nuisance, and trespass.
STANDARD OF REVIEW	Summary judgment is reviewed de novo, with the evidence viewed in the light most favorable to the nonmoving party. The moving party must show that no genuine issue of material fact exists and that it is entitled to judgment as a matter of law; the nonmoving party must present significant probative evidence of a triable issue.
PRECEDENTIAL VALUE	published

PARTIES

Robin Seale, Lawrence "JR" Seale v. Mississippi Transportation Commission, Pontotoc County Board of Supervisors

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QUESTIONS PRESENTED

1. Whether the Seales' claims under the Mississippi Tort Claims Act were barred by the Act's one-year statute of limitations.
2. Whether the Seales' inverse-condemnation claim was barred by Mississippi's three-year statute of limitations because they knew of the alleged injury more than three years before filing the state-court complaint.
3. Whether the circuit court's summary judgment could be affirmed on any sufficient ground apparent from the record even though the court did not specify the basis for its ruling.

HOLDINGS

1. The Seales' tort claims were time-barred under Mississippi Code Annotated section 11-46-11 because, even accepting their asserted April 2017 accrual date, the applicable one-year limitations period had expired before they filed their federal action and the voluntarily dismissed federal action did not toll the limitations period.
2. The inverse-condemnation claim was barred by Mississippi's three-year statute of limitations because the Seales failed to present summary-judgment evidence showing that they first became aware of the alleged taking or injury within three years before filing the state-court complaint.
3. An appellate court may affirm a lower-court judgment when any sufficient ground supporting the result appears in the record, even if the lower court did not expressly identify that ground.

KEY QUOTATIONS

"Further, because the federal action was voluntarily dismissed pursuant to Federal Rule of Civil Procedure 41(a), its pendency did not toll the statute of limitations." (§13)

"Thus, a three-year statute of limitations is to be applied to the Seales' claim of inverse condemnation, and that period began to run upon 'the discovery of the injury itself.'" (§14)

"We find that the trial court did not err by granting summary judgment and dismissing the complaint because the Seales' claims were barred by the applicable statutes of limitations." (§18)

FACTUAL BACKGROUND

The Seales own approximately ninety-six acres in Pontotoc County, including their homestead, livestock operation, and Seale Pond, through which Johns Creek passes. A road relocation project undertaken by the Mississippi Transportation Commission and Pontotoc County beginning in 2016 allegedly caused or contributed to flooding, erosion, pollution, property damage, loss of use, and diminished property value. The Seales alleged tort claims and inverse condemnation based on those conditions, asserting that the injury began in November 2016 or, at the latest, that they learned the cause of the injury in April 2017.

PROCEDURAL HISTORY

The Seales first filed a federal Clean Water Act citizens' suit and related claims in the United States District Court for the Northern District of Mississippi in September 2019. They voluntarily dismissed that action without prejudice on March 10, 2020, and filed this state-court action the same day. After the case was stayed for nearly four years, the defendants moved for judgment on the pleadings or summary judgment. Because materials outside the pleadings were submitted and not excluded, the circuit court's order was treated as a grant of summary judgment. The Court of Appeals affirmed on statute-of-limitations grounds.

DISPOSITION

affirmed

CASES CITED

- *Horne v. Dolgencorp LLC*, 424 So. 3d 295, 298-99 (¶9) (Miss. Ct. App. 2025)
- *Smith v. Franklin Custodian Funds Inc.*, 726 So. 2d 144, 146 (¶6) (Miss. 1998)
- *Moore ex rel. Benton Cnty. v. Renick*, 626 So. 2d 148, 151 (Miss. 1993)
- *Daniels v. GNB Inc.*, 629 So. 2d 595, 600 (Miss. 1993)
- *Skelton v. Twin Cnty. Rural Elec.*, 611 So. 2d 931, 935 (Miss. 1992)
- *Byrne v. Wal-Mart Stores Inc.*, 877 So. 2d 462, 465 (¶3) (Miss. Ct. App. 2003)
- *Young v. Wendy's Int'l Inc.*, 840 So. 2d 782, 784 (¶3) (Miss. Ct. App. 2003)
- *DeFoe v. Great So. Nat. Bank. N.A.*, 547 So. 2d 786, 789 (Miss. 1989)
- *Herbert v. Herbert*, 374 So. 3d 562, 570 (¶16) (Miss. Ct. App. 2023)
- *Gates v. Gates*, 616 So. 2d 888, 890 (Miss. 1993)
- *Chitty v. Terracina*, 16 So. 3d 774, 777 (¶9) (Miss. Ct. App. 2009)
- *Clark Sand Co. Inc. v. Kelly*, 60 So. 3d 149, 162 (¶43) (Miss. 2011)
- *Promenade D'Iberville LLC v. Jacksonville Electric Authority*, 411 So. 3d 1050, 1066 (¶79) (Miss. 2025)
- *Jackson Mun. Airport Auth. v. Wright*, 232 So. 2d 709, 712-15 (Miss. 1970)
- *McLemore v. Miss. Transp. Comm'n*, 992 So. 2d 1107, 1109-11 (Miss. 2008)
- *Prystupa v. Rankin County Board of Supervisors*, 339 So. 3d 147, 157 (¶33) (Miss. Ct. App. 2022)
- *Tupelo v. O'Callaghan*, 208 So. 3d 556, 558, 568-70 (¶¶1, 35, 37, 41) & n.14 (Miss. 2017)
- *Stroud v. Progressive Gulf Insurance Company*, 239 So. 3d 516, 521 (¶15) (Miss. Ct. App. 2017)
- *Hall v. Dillard*, 739 So. 2d 383, 387-88 (¶19) (Miss. Ct. App. 1999)

- Gulf Nat'l Bank v. King, 362 So. 2d 1253, 1255 (Miss. 1978)
- Sullivan v. Trustmark Nat'l Bank, 653 So. 2d 930, 931-32 (Miss. 1995)
- Archer v. Nissan Motor Acceptance Corp., 633 F. Supp. 2d 259, 265 (S.D. Miss. 2008), aff'd, 550 F.3d 506 (5th Cir. 2008)
- Monen v. State Dep't of Highways, 33 Colo. App. 69, 71, 515 P.2d 1246, 1247 (1973)
- Seven Lakes Reservoir Co. v. Majors, 69 Colo. 590, 598, 196 P. 334, 336 (1921)
- State Dep't of Health v. The Mill, 809 P.2d 434, 441 (Colo. 1991)

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