

SUPREME COURT OF MISSISSIPPI

Illinois Central R. Co. v. Winters

863 So. 2d 955 (Miss. 2004) · No. No. 2002-CA-01793-SCT · Decided January 15, 2004

SUMMARY

The Supreme Court of Mississippi reviewed an award of attorney's fees and expenses imposed as discovery sanctions against Illinois Central Railroad Company. The court held that the trial court did not abuse its discretion in awarding documented expenses caused by the railroad's failure to attend court-ordered depositions and affirmed the judgment.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Waller, Presiding Justice; Pittman, C.J.; Waller, P.J.; Graves, J.; Smith, P.J.; Cobb, J.; Easley, J.; Carlson, J.; Dickinson, J.; Diaz, J. (not participating)
JURISDICTION	Mississippi
DECIDED	January 15, 2004
DOCKET	No. 2002-CA-01793-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Second appeal concerning the amount of attorney fees and expenses imposed as discovery sanctions after Illinois Central was held in civil contempt for failing to produce corporate executives for court-ordered depositions.
STANDARD OF REVIEW	Discovery sanctions and related fee awards are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; binding precedent in Mississippi.
PARTIES	Illinois Central Railroad Company, Herbert Bennett, J.R. Wright v. Bertha Lee Winters, Demetrius Hawkins, Lucious Robinson, individually and as father and next friend of Shuntai Robinson, Sherita Robinson, and Juanita Robinson, minors, Kevin Mabry, Tibithal O. Selders, Alvin P. Haymer, Dennis Haymer, Ira Haymer, Haymer family defendants identified in the caption

TOPICS

discovery dispute

sanctions

attorney fees

standard of review

appellate procedure

PRACTICE AREAS

civil procedure

discovery sanctions

appellate procedure

attorney fees and costs

commercial litigation

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion in awarding attorney fees and expenses incurred for depositions that Illinois Central failed to attend after the court ordered the depositions to proceed.
2. Whether the plaintiffs failed to mitigate their expenses by traveling to the depositions after receiving notice that Illinois Central would not attend.

HOLDINGS

1. The trial court did not abuse its discretion in awarding the plaintiffs reasonable, documented expenses directly caused by Illinois Central's failure to attend the scheduled depositions.
2. The plaintiffs did not fail to mitigate their expenses by traveling to the depositions because they reasonably relied on the trial court's order directing that the depositions proceed.

KEY QUOTATIONS

“When the sanctions award is based upon attorney's fees and related expenses, an essential part of determining the reasonableness of the award is inquiring into the reasonableness of the claimed fee.” (959)

“The heirs acted reasonably in reliance on that order while ICR chose not to comply.” (959)

FACTUAL BACKGROUND

After a fatal 1994 train-car collision, the wrongful-death plaintiffs sought depositions of Illinois Central executives. The circuit court denied Illinois Central's motion for a protective order and ordered the depositions to proceed, but Illinois Central notified the plaintiffs that its attorneys would not attend and did not appear. The plaintiffs nevertheless traveled to the scheduled depositions, incurred documented travel and related expenses, and obtained a contempt and sanctions order. On remand from the first appeal, the trial court awarded only a portion of the documented expenses.

PROCEDURAL HISTORY

In the first appeal, the court affirmed the contempt finding but held that the original award of more than \$47,000 exceeded the expenses permitted under Mississippi Rule of Civil Procedure 37. The court remanded for reassessment of only those reasonable expenses actually caused by Illinois Central's failure to attend the scheduled depositions. On remand, the trial court awarded approximately \$5,900, and Illinois Central appealed. The Supreme Court of Mississippi affirmed.

DISPOSITION

affirmed

CASES CITED

- Ill. Cent. R.R. v. Winters, 815 So. 2d 1168 (Miss. 2002)
- Kilpatrick v. Miss. Baptist Med. Ctr., 461 So. 2d 765, 767 (Miss. 1984)
- Flight Line, Inc. v. Tanksley, 608 So. 2d 1149, 1162 (Miss. 1992)
- Pelican Trucking Co. v. Rossetti, 251 Miss. 37, 167 So. 2d 924, 927 (1964)
- Yazoo & M.V.R. Co. v. Fields, 188 Miss. 725, 195 So. 489, 490 (1940)
- Fujimoto v. Au, 95 Hawai'i 116, 19 P.3d 699, 751 (2001)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/mississippi-supreme-court-of-mississippi/2004/illinois-central-r-co-v-winters-fsfww6f4>