

SUPREME COURT OF MISSISSIPPI

Choctaw Maid Farms, Inc. v. Hailey

822 So. 2d 911 (Miss. 2002) · No. 1998-CA-01215-SCT · Decided May 30, 2002

SUMMARY

The Mississippi Supreme Court, on motion for rehearing, affirmed the judgment in this wrongful-death action arising from a collision between a vehicle and a tractor-trailer operated by a Choctaw Maid Farms employee. The court upheld the directed verdict on liability, the comparative-negligence allocation, the admission of photographic videotape and hedonic-damages evidence, and the damages award, while also affirming the refusal to submit punitive damages to the jury.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	McRae, P.J., for the Court; McRae, P.J.; Pittman, C.J.; Diaz, J.; Easley, J.; Carlson, J.; Graves, J.; Cobb, J.; Smith, P.J.; Waller, J.
JURISDICTION	Mississippi
DECIDED	May 30, 2002
DOCKET	1998-CA-01215-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Choctaw Maid Farms appealed from a circuit court judgment following a wrongful-death jury trial, including a directed verdict against it on liability and damages issues. The administratrix cross-appealed the refusal to submit punitive damages to the jury. The Supreme Court considered the matter on motion for rehearing, granted rehearing, withdrew its original opinions, substituted the present opinions, and affirmed both appeals.
STANDARD OF REVIEW	Directed-verdict decisions are reviewed as questions of law. Discovery and continuance decisions are reviewed for abuse of discretion. Admission of evidence and control of cumulative testimony are reviewed for abuse of discretion, and jury instructions are reviewed as a whole to determine whether they fairly announce the law and create no injustice. Refusal to submit punitive damages to the jury is reviewed for abuse of discretion.

PRECEDENTIAL VALUE	Published en banc opinion of the Supreme Court of Mississippi; precedential state supreme court decision.
PARTIES	Choctaw Maid Farms, Inc. v. Elizabeth F. Hailey, individually and as administratrix of the estate of Thomas H. Hailey, deceased

TOPICS

wrongful death damages negligence comparative fault motion for directed verdict

PRACTICE AREAS

torts wrongful death civil procedure evidence damages

QUESTIONS PRESENTED

1. Whether the circuit court properly directed a verdict against Choctaw Maid Farms and Odell Frazier on negligence and proximate cause.
2. Whether the circuit court properly granted or refused the challenged jury instructions concerning liability, negligence, proximate cause, right-of-way, and comparative negligence.
3. Whether the circuit court abused its discretion by denying a continuance or other relief based on delayed disclosure of expert-witness data.
4. Whether expert testimony concerning lost-income calculations was properly admitted.
5. Whether the circuit court properly admitted a videotape of photographs and testimony concerning Hailey's enjoyment of life.
6. Whether the circuit court properly handled the alleged juror misconduct.
7. Whether loss-of-enjoyment-of-life, or hedonic, damages are recoverable in a Mississippi wrongful-death action.
8. Whether the circuit court erred by refusing to submit punitive damages to the jury.

HOLDINGS

1. The circuit court properly directed a verdict against Choctaw Maid Farms on negligence and proximate cause because the evidence established Frazier's indisputable negligence in entering and obstructing the highway in dense fog.
2. Although the plaintiff failed to fully disclose computer data underlying the reconstruction expert's opinion, the circuit court did not abuse its discretion by denying a continuance or other relief.
3. The circuit court properly admitted expert testimony offering alternative calculations of lost-income damages, including earnings associated with occupations for which the decedent was qualified or intended eventually to qualify.
4. The challenged instructions, considered as a whole, fairly presented Mississippi negligence and comparative-negligence law and did not warrant reversal.

5. Loss-of-enjoyment-of-life, or hedonic, damages are recoverable in a Mississippi wrongful-death action, including where death was instantaneous.
6. The circuit court properly refused to submit punitive damages to the jury because the evidence did not establish a nexus between Choctaw Maid Farms' alleged gross negligence and the accident.

KEY QUOTATIONS

“The trial court did not err in granting a directed verdict as to negligence and also allowing a comparative negligence instruction.” (at 916)

“The burden is on the party sponsoring the expert witness to fully and completely supply responses to interrogatories and requests for production of data when it concerns experts.” (at 917)

“We find, as per the trial court's ruling, that Hailey was properly allowed to recover damages for loss of enjoyment of life.” (at 922-23)

“There is no nexus between the alleged gross negligence of CMF and the accident.” (at 924)

FACTUAL BACKGROUND

In dense fog before dawn, Choctaw Maid Farms employee Odell Frazier pulled a tractor-trailer carrying chickens from a private drive onto Mississippi Highway 21. The trailer extended more than seventeen feet into Thomas Hailey's southbound lane and remained there for more than twenty seconds while Hailey approached; the collision occurred entirely in Hailey's lane. Hailey died from the resulting injuries, and the jury found Choctaw Maid Farms ninety percent negligent and Hailey ten percent negligent.

PROCEDURAL HISTORY

The circuit court directed a verdict against Choctaw Maid Farms on negligence and liability, while allowing a comparative-negligence instruction concerning the decedent. The jury allocated ninety percent fault to Choctaw Maid Farms and ten percent to Thomas Hailey and awarded lost-income and loss-of-enjoyment-of-life damages. The circuit court denied challenges concerning discovery, expert testimony, jury instructions, evidentiary rulings, juror misconduct, and punitive damages, and the Supreme Court affirmed the judgment in all respects.

DISPOSITION

affirmed

CASES CITED

- Anderson v. Eagle Motor Lines, Inc., 423 F.2d 81, 85 (5th Cir. 1970)
- U.S. Indus., Inc. v. McClure Furniture Co. of Eupora, 371 So. 2d 391 (Miss. 1979)
- McKinzie v. Coon, 656 So. 2d 134, 137 (Miss. 1995)
- Walton v. Owens, 244 F.2d 383, 387 (5th Cir. 1957)
- T.K. Stanley, Inc. v. Cason, 614 So. 2d 942, 950 (Miss. 1992)
- Square D. Co. v. Edwards, 419 So. 2d 1327, 1328 (Miss. 1982)

- *Motorola Comm. & Elecs., Inc. v. Wilkerson*, 555 So. 2d 713, 718, 721, 724 (Miss. 1989)
- *Jones v. Hatchett*, 504 So. 2d 198, 201 (Miss. 1987)
- *Illinois Cent. R.R. v. Gandy*, 750 So. 2d 527, 532 (Miss. 1999)
- *Robert v. Colson*, 729 So. 2d 1243, 1245 (Miss. 1999)
- *Clary v. Breyer*, 194 Miss. 612, 13 So. 2d 633 (1943)
- *Gulf & S.I.R. Co. v. Boone*, 120 Miss. 632, 82 So. 335 (1919)
- *Bush Constr. Co. v. Walters*, 250 Miss. 384, 394, 164 So. 2d 900, 903 (1964)
- *Church v. Massey*, 697 So. 2d 407, 411 (Miss. 1997)
- *Mills v. Nichols*, 467 So. 2d 924, 929-30 (Miss. 1985)
- *Fielder v. Magnolia Beverage Co.*, 757 So. 2d 925, 929 (Miss. 1999)
- *Butler v. Chrestman*, 264 So. 2d 812, 815-16 (Miss. 1972)
- *Niles v. Sanders*, 218 So. 2d 428, 432 (Miss. 1969)
- *Fleming v. State*, 687 So. 2d 146, 148 (Miss. 1997)
- *Carr v. State*, 208 So. 2d 886, 888 (Miss. 1968)
- *Stancill v. McKenzie Tank Lines, Inc.*, 497 F.2d 529, 537 (5th Cir. 1974)
- *Thomas v. Hilburn*, 654 So. 2d 898, 900, 903 (Miss. 1995)
- *South Cent. Bell v. Epps*, 509 So. 2d 886, 892-93 (Miss. 1987)
- *Hurst v. Southwest Miss. Legal Servs. Corp.*, 708 So. 2d 1347, 1351 (Miss. 1998)
- *C & C Trucking Co. v. Smith*, 612 So. 2d 1092, 1105-06 (Miss. 1992)
- *Snowden v. Osborne*, 269 So. 2d 858, 860 (Miss. 1972)
- *Fowler Butane Gas Co. v. Varner*, 244 Miss. 130, 141 So. 2d 226 (1962)
- *Dame v. Estes*, 233 Miss. 315, 101 So. 2d 644 (1958)
- *Bush v. Watkins*, 224 Miss. 238, 80 So. 2d 19 (1955)
- *Pelican Trucking Co. v. Rossetti*, 251 Miss. 37, 167 So. 2d 924, 926 (1964)

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