SUPREME COURT OF MISSISSIPPI

Rebecca L. Jackson and Gary Jackson v. State Farm Mutual Automobile Insurance Company

880 So.2d 336 · No. No. 2001-CT-01683-SCT · Decided October 12, 2001

SUMMARY

The Supreme Court of Mississippi reviewed the Court of Appeals' reversal of summary judgment dismissing the Jacksons' underinsured motorist claim against State Farm as untimely. The court held that the claim was barred by the three-year statute of limitations and that the Jacksons' delayed notice caused clear prejudice to State Farm. The court reversed the Court of Appeals and affirmed the trial court's judgment for State Farm.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Smith, Chief Justice; Waller, P.J.; Cobb, P.J.; Easley, J.; Carlson, J.; Dickinson, J.; Randolph, J.; Graves, J.; Diaz, J.
JURISDICTION	Mississippi
DECIDED	October 12, 2001
DOCKET	No. 2001-CT-01683-SCT
DISPOSITION	reversed
PROCEDURAL POSTURE	The insureds appealed the trial court's summary judgment dismissing their uninsured or underinsured motorist claim as untimely. The Mississippi Court of Appeals reversed and remanded, and the Mississippi Supreme Court granted State Farm's petition for writ of certiorari.
STANDARD OF REVIEW	Summary judgment is proper when the record presents no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. The Supreme Court reviewed the grant of summary judgment and the Court of Appeals' reversal.
PRECEDENTIAL VALUE	published
PARTIES	Rebecca L. Jackson, Gary Jackson v. State Farm Mutual Automobile Insurance Company

TOPICS

insurance coverage · uninsured motorist · statute of limitations · summary judgment · appellate procedure

PRACTICE AREAS

insurance law · civil procedure · appellate procedure

QUESTIONS PRESENTED

1. Whether the Jacksons' claims against State Farm were barred by Mississippi's three-year statute of limitations.
2. Whether the Jacksons' failure to provide timely notice of the accident and claim defeated coverage under the policy and applicable law.
3. Whether disputed facts concerning prejudice, the extent of Rebecca Jackson's injuries, or the adequacy of the tortfeasor's insurance precluded summary judgment.

HOLDINGS

1. The Jacksons' claims against State Farm were barred by Mississippi's three-year statute of limitations because they knew, or should have known, the extent of Rebecca's injuries and the amount of the tortfeasor's insurance coverage more than three years before adding State Farm to the litigation.
2. Summary judgment was proper because the Jacksons' notice to State Farm was untimely and the undisputed record established prejudice to State Farm.
3. The record contained no genuine issue of material fact concerning the Jacksons' knowledge of Rebecca's injuries or the tortfeasor's insurance coverage.

KEY QUOTATIONS

> *"The holding in Harris does not support the Court of Appeals' conclusions, and in fact, supports summary judgment."* (¶19)

> *"The record shows that, after finally being notified in January 2000 about the February 1995 accident, State Farm attempted to investigate the Jacksons' claim, including taking Rebecca's sworn statement."* (¶22)

FACTUAL BACKGROUND

On February 10, 1995, Rebecca Jackson was involved in a minor rear-end collision while driving a vehicle insured by State Farm under a policy issued in Gary Jackson's name. Although she received medical treatment and was diagnosed by May 1995 with degenerative disc disease and a probable disc herniation, the Jacksons did not notify State Farm of the accident or a potential underinsured-motorist claim. They sued the tortfeasors in February 1998 alleging serious, permanent, painful, and disabling injuries, learned the tortfeasor's insurance limits, and nevertheless waited until January 2000 to notify State Farm and July 2000 to add it as a defendant.

PROCEDURAL HISTORY

The Jacksons sued John Bordelon and Ratcliff after a 1995 automobile accident. They did not notify State Farm of the accident or their potential underinsured-motorist claim until January 2000, and amended their complaint to add State Farm in July 2000. The Pearl River County Circuit Court granted State Farm summary judgment, the Court of Appeals reversed based on purported factual disputes, and the Supreme Court reversed the Court of Appeals and affirmed the circuit court.

DISPOSITION

reversed

CASES CITED

- Jackson v. State Farm Mutual Automobile Insurance Co., 852 So. 2d 641 (Miss. Ct. App. 2003)
- Harris v. American Motorist Insurance Co., 240 Miss. 262, 126 So. 2d 870 (Miss. 1961)
- Vaughn v. State Farm Mutual Automobile Insurance Co., 445 So. 2d 224 (Miss. 1984)
- Lawler v. Government Employees Insurance Co., 569 So. 2d 1151 (Miss. 1990)
- Ross v. Crane Co., 350 So. 2d 697 (Miss. 1977)
- State Mutual, etc., Insurance Co. v. Watkins, 181 Miss. 859, 180 So. 78 (Miss. 1938)
- Downing v. Home Indemnity Co. of New York, 169 Miss. 13, 152 So. 841 (Miss. 1934)