

SUPREME COURT OF MISSISSIPPI

Estate of Johnson v. Chatelain

943 So. 2d 684 (Miss. 2006) · No. No. 2005-IA-00642-SCT · Decided November 30, 2006

SUMMARY

The Mississippi Supreme Court held that Dr. Samuel Johnson, a physician employed by the University of Mississippi Medical Center, was protected by sovereign immunity for treatment provided in March 1993. The court reversed the denial of summary judgment and rendered judgment dismissing with prejudice the malpractice action against his estate. A separate concurrence also concluded that the plaintiff had failed to present evidence establishing medical malpractice.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Waller, Presiding Justice; Waller, P.J.; Easley, J.; Graves, J.
JURISDICTION	Mississippi
DECIDED	November 30, 2006
DOCKET	No. 2005-IA-00642-SCT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal by permission from the denial of a physician's motion for summary judgment based on sovereign immunity in a medical-malpractice action.
STANDARD OF REVIEW	The Supreme Court reviews a grant or denial of summary judgment de novo, viewing the evidence and reasonable inferences in the light most favorable to the nonmoving party. Summary judgment is proper when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential.
PARTIES	The Estate of Samuel Johnson, M.D. v. Joshua Cosby Chatelain, a minor, by and through his mother and adult next friend, Theresa Chatelain

TOPICS

- medical malpractice
- summary judgment
- standard of review
- appellate procedure
- health law

PRACTICE AREAS

medical malpractice

sovereign immunity

civil procedure

appellate procedure

government liability

QUESTIONS PRESENTED

1. Whether Dr. Johnson was a state employee acting within the course and scope of his employment and therefore protected by Mississippi sovereign-immunity law.
2. Whether the plaintiff presented a genuine issue of material fact sufficient to defeat summary judgment.
3. Whether the sovereign-immunity provisions applicable to the March 1993 surgery barred the action without impermissibly applying the doctrine retroactively.

HOLDINGS

1. Dr. Johnson was a state employee of the University of Mississippi Medical Center and acted within the course and scope of his employment while treating Joshua; he therefore was protected by sovereign immunity.
2. The sovereign-immunity provisions enacted during the 1992 Extraordinary Session governed causes of action accruing between September 16, 1992, and April 1, 1993, including the claim arising from Johnson's March 1993 surgery.
3. The plaintiff failed to create a genuine issue of material fact concerning Johnson's state-employee status, so the denial of summary judgment was erroneous.

KEY QUOTATIONS

“Johnson was employed by the State at the time in question and the laws of the 1992 Extraordinary Session provide immunity to physicians at the time of the incident.” (690)

“What harm resulted from the correction of Chatelain's cross-eyed syndrome?” (692)

FACTUAL BACKGROUND

Samuel Johnson, an ophthalmology professor and director at the University of Mississippi Medical Center, performed corrective surgery for Joshua Chatelain's estropia when Joshua was approximately twenty-five months old. The surgery corrected the estropia, and both Johnson and Joshua's mother believed Joshua had vision in both eyes before and immediately after surgery. Months later, a neurologist allegedly determined that Joshua had been blind in his right eye since birth, leading Joshua's mother to sue for alleged grossly negligent and unnecessary surgery.

PROCEDURAL HISTORY

Theresa Chatelain filed a medical-malpractice action in the Hinds County Circuit Court against Dr. Samuel Johnson, later amending the complaint to substitute his estate after his death. The circuit court denied the estate's motion for summary judgment, finding a factual dispute regarding whether Johnson was a state employee. The Mississippi Supreme Court granted permission for an interlocutory appeal, reversed the denial of summary judgment, and rendered judgment for the estate.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The court rendered judgment finally dismissing with prejudice the plaintiff's complaint and action against the Estate of Dr. Johnson; no further proceedings were ordered. The operative disposition was therefore reversed and rendered.

CASES CITED

- Saucier ex rel. Saucier v. Biloxi Regional Medical Center, 708 So. 2d 1351 (Miss. 1998)
- Corey v. Skelton, 834 So. 2d 681 (Miss. 2003)
- Miller v. Meeks, 762 So. 2d 302 (Miss. 2000)
- Sullivan v. Washington, 768 So. 2d 881 (Miss. 2000)
- Sparks v. Kim, 701 So. 2d 1113 (Miss. 1997)
- Jones v. Baptist Memorial Hospital—Golden Triangle, Inc., 735 So. 2d 993 (Miss. 1999)
- Pickens v. Donaldson, 748 So. 2d 684 (Miss. 1999)
- City of Tupelo v. Martin, 747 So. 2d 822 (Miss. 1999)
- Moss v. Batesville Casket Co., 935 So. 2d 393 (Miss. 2006)
- Tucker v. Hinds County, 558 So. 2d 869 (Miss. 1990)
- Heigle v. Heigle, 771 So. 2d 341 (Miss. 2000)
- Palmer v. Anderson Infirmary Benevolent Ass'n, 656 So. 2d 790 (Miss. 1995)
- Williamson ex rel. Williamson v. Keith, 786 So. 2d 390 (Miss. 2001)