

SUPREME COURT OF MISSISSIPPI

Hill v. Carroll County

17 So. 3d 1081 (Miss. 2009) · No. No. 2009-CA-00042-SCT · Decided September 24, 2009

SUMMARY

The Supreme Court of Mississippi considered whether res judicata barred a state-law negligence claim against Carroll County after the plaintiff's federal civil-rights action arising from the same restraint and transport of the decedent had been dismissed on summary judgment. The court held that all four Mississippi res judicata identities were satisfied because the actions involved the same subject matter, underlying facts, parties, and defendant character. The court affirmed the circuit court's summary judgment for Carroll County.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Pierce, Justice; Graves, P.J.; Randolph, J.; Pierce, J.; Waller, C.J.; Carlson, P.J.; Dickinson, J.; Lamar, J.; Kitchens, J.; Chandler, J.
JURISDICTION	Mississippi
DECIDED	September 24, 2009
DOCKET	No. 2009-CA-00042-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Carroll County Circuit Court's grant of summary judgment and final dismissal of a Mississippi Tort Claims Act negligence action on res judicata grounds.
STANDARD OF REVIEW	De novo review of the grant or denial of summary judgment.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential.
PARTIES	Alice Loggins Hill, as administratrix of the estate of Debbie Denise Loggins, deceased v. Carroll County, Mississippi

TOPICS

[res judicata](#) [summary judgment](#) [section 1983](#) [municipal liability](#) [civil procedure](#)

PRACTICE AREAS

[Civil procedure](#) [Claim preclusion](#) [Torts](#) [Civil rights](#) [Municipal liability](#)

QUESTIONS PRESENTED

1. Whether the Carroll County Circuit Court properly granted summary judgment on the ground that res judicata barred Hill's Mississippi Tort Claims Act negligence claim after the federal court had adjudicated the related § 1983 action on the merits.
2. Whether the federal and state actions satisfied Mississippi's four res judicata identities: subject matter, cause of action, parties, and quality or character of the person against whom the claim was made.

HOLDINGS

1. Res judicata barred Hill's state negligence claim because it arose from the same underlying transaction as the previously adjudicated federal excessive-force claim and could have been brought in the prior action.
2. All four required identities were present: the subject matter, cause of action, parties, and quality or character of the defendant were identical in the federal and state actions.

KEY QUOTATIONS

“In Mississippi, the doctrine of res judicata requires four identities to be present before it applies: (1) identity of the subject matter of the action; (2) identity of the cause of action; (3) identity of the parties to the cause of action; and (4) identity of the quality or character of a person against whom the claim is made.” (17 So. 3d at 1084-85)

“This event provides several possible theories of recovery, but only one cause of action.” (17 So. 3d at 1086)

“The Circuit Court of Carroll County properly granted summary judgment in favor of Carroll County based on a finding of res judicata.” (17 So. 3d at 1087)

FACTUAL BACKGROUND

Carroll County deputies responded to a fight involving Debbie Loggins, restrained her with handcuffs and leg restraints, and used a hog-tying technique after she resisted being placed in a squad car. Loggins continued struggling during transport and was later found unresponsive and pulseless at the Grenada County Jail; she died after being transported to a hospital. An autopsy attributed the death to excessive exertional activity with changes of physical exhaustion and classified the manner of death as accidental. Hill brought a federal excessive-force action and later a state negligence action based on the same restraint and transport conduct.

PROCEDURAL HISTORY

Hill first sued Carroll County in the United States District Court for the Northern District of Mississippi under 42 U.S.C. § 1983, alleging that deputies used excessive force in restraining and transporting Loggins. The federal district court granted Carroll County summary judgment and dismissed the federal action on May 13, 2008. Hill subsequently pursued a state-court negligence action arising from the same incident; the Carroll County Circuit Court granted Carroll County summary judgment on December 8, 2008, concluding that res judicata barred the claim. The Mississippi Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Channel v. Loyacono, 954 So. 2d 415, 420 (Miss. 2007)
- Anderson v. LaVere, 895 So. 2d 828, 832 (Miss. 2004)
- Little v. V & G Welding Supply, Inc., 704 So. 2d 1336, 1337 (Miss. 1997)
- Harrison v. Chandler-Sampson Ins., Inc., 891 So. 2d 224, 232-36 (Miss. 2004)
- Estate of Anderson v. Deposit Guar. Nat'l Bank, 674 So. 2d 1254, 1256 (Miss. 1996)
- LaVere, 895 So. 2d at 832
- Black v. N. Panola Sch. Dist., 461 F.3d 584 (5th Cir. 2006)
- Forbes v. Columbia Pulp & Paper Co., 340 So. 2d 734, 736 (Miss. 1976)
- Pray v. Hewitt, 254 Miss. 20, 179 So. 2d 842, 844 (Miss. 1965)
- Campbell v. Campbell, 231 Miss. 658, 97 So. 2d 527, 528 (Miss. 1957)
- Black v. City of Tupelo, 853 So. 2d 1221, 1223, 1225-26 (Miss. 2003)
- Alexander v. Elzie, 621 So. 2d 909, 910 (Miss. 1992)
- Nevada v. United States, 463 U.S. 110, 129, 131 (1983)
- Russell v. SunAmerica Secs., Inc., 962 F.2d 1169, 1173 (5th Cir. 1992)
- Hill v. Carroll County, 2008 WL 2066526 (N.D. Miss. May 13, 2008)

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