

**IN THE SUPREME COURT OF MISSISSIPPI
COURT OF APPEALS**

CHRISTINE LANG

**APPELLANT/
CROSS-APPELLEES**

VS.

NO. 2009-WC-01540-COA

**MISSISSIPPI BAPTIST MEDICAL CENTER
AND RECIPROCAL OF AMERICA (MISSISSIPPI
INSURANCE GUARANTY ASSOCIATION
A/K/A "MIGA")**

**APPELLEES/
CROSS APPELLANTS**

REPLY BRIEF OF CROSS-APPELLANTS

**APPEALED FROM THE CIRCUIT COURT
OF HINDS COUNTY, MISSISSIPPI**

ORAL ARGUMENT REQUESTED

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CROSS-APPELLANTS**

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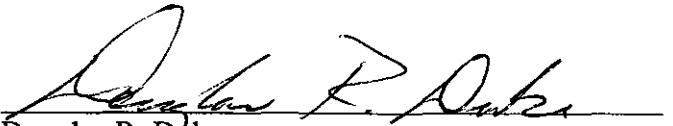
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AND RECIPROCAL OF AMERICA (MISSISSIPPI
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CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case. These representations are made in order that the justices of the Supreme Court and/or the judges of the Court of Appeals may evaluate possible disqualification or recusal.

1. Christine Lang, Appellant / Cross-Appellee;
2. John Hunter Stevens, Esq., Grenfell, Sledge & Stevens, PLLC, Counsel for Appellant/Cross-Appellee;
3. Mississippi Baptist Medical Center and Reciprocal of America (Mississippi Insurance Guaranty Association a/k/a "MIGA"), Appellees/Cross-Appellants; and,
4. Douglas R. Duke, Shell Buford, PLLC, Counsel for Appellees / Cross-Appellants.


Douglas R. Duke
Attorney of Record for Appellee / Cross-Appellant

I.

In claimant's reply brief, there appears no accurate references to or quotations from the actual record in this case. It is respectfully submitted that the employer/carrier's specific reference to and quotation from, as well as the record as a whole obviously speaks for itself. The only real undisputed fact stated allegedly in favor of claimant by her attorney is that the claimant worked for the employer for 23 years, which is repeated over a half dozen times in claimant's brief. This fact is irrelevant and immaterial to the issues on appeal. Claimant/Appellant's relying on employer/carrier's paying on the claim before it discovered the undisputed medical evidence and amended its answer, should not constitute support for further award. Where an appellant fails to present contradictory evidence such as the medical evidence in this case, the said medical evidence must be taken as true unless it is inherently improbable, incredible or unreasonable. *Broadway Inn Express v. Advanced Construction Tech.*, 2009-CA-0069 (decided by this Court on February 23, 2010).

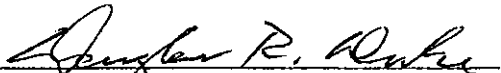
II.


Claimant's counsel does not even offer any case law in support of claimant's arguments pertaining to either of the two (2) specific issues on appeal. Claimant/Appellant's failure to cite authority for its position on the specific issues on appeal warrants reversal and denial of any award. *Id.*

It is respectfully submitted that the record and the law require denial of any award for indemnity benefits and medical expenses.

Respectfully submitted,

MISSISSIPPI BAPTIST MEDICAL CENTER,
RECIPROCAL OF AMERICA AND MISSISSIPPI
INSURANCE GUARANTY ASSOCIATION

BY: 
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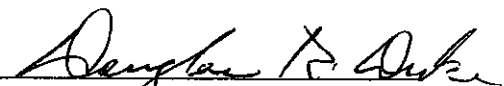
CERTIFICATE OF SERVICE

I, Douglas R. Duke, do hereby certify that I have this day mailed by United States Mail,
postage prepaid, the above and foregoing document to:

John Hunter Stevens
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1659 Lelia Drive, Jackson, MS 39216
Post Office Box 16570
Jackson, Mississippi 39236-6570

Honorable William F. Coleman
Hinds County Circuit Court Judge
Post Office Box 27
Raymond, MS 39154

This the 5th day of March, 2010.


Douglas R. Duke