

IN THE SUPREME COURT OF MISSISSIPPI

JACKSON HMA, INC. d/b/a CENTRAL
MISSISSIPPI MEDICAL CENTER,
GEORGE T. SMITH-VANIZ, M.D.,
AND KEN E. CLEVELAND, M.D.

APPELLANTS

VS.

CASE NO. 2010-CA-01527

LANELL HAMIL, INDIVIDUALLY AND ON BEHALF
OF THE WRONGFUL DEATH BENEFICIARIES OF
EMMETT O. HAMIL, DECEASED

APPELLEE

BRIEF OF APPELLEE

LANELL HAMIL, INDIVIDUALLY AND ON BEHALF
OF THE WRONGFUL DEATH BENEFICIARIES OF
EMMETT O. HAMIL, DECEASED

(Response to Appellant's, Jackson HMA d/b/a Central Mississippi Medical Center, Brief)

Appeal from the Circuit Court of the
First Judicial District of Hinds County, Mississippi
Honorable Winston Kidd, Circuit Judge

PREPARED AND SUBMITTED BY:

ALTON E. PETERSON, MSB [REDACTED]
LARRY STAMPS, MSB [REDACTED]
STAMPS & STAMPS
ATTORNEYS AT LAW
269 EAST PEARL STREET
JACKSON, MS 39201
POST OFFICE BOX 2916
JACKSON, MS 39207-2916
TELEPHONE NO. (601) 354-4747

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CERTIFICATE OF INTERESTED PARTIES

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 Judges of the Court of Appeals may evaluate possible disqualifications or recusal;

1. Lanell Hamil, Individually, and On Behalf of the Wrongful Death Beneficiaries of Emmett O. Hamil, Deceased, Plaintiff/Appellee
2. Alton E. Peterson, Esq.
Larry Stamps, Esq.
Stamps & Stamps
Post Office Box 2916
Jackson, MS 39207-2916
Attorneys for Plaintiff/Appellee Lanell Hamil, Individually, and On Behalf of the Wrongful Death Beneficiaries of Emmett O. Hamil, Deceased
3. Jackson HMA, Inc. d/b/a Central Mississippi
Medical Center, Defendant/Appellant
4. Mark P. Caraway, Esq.
Wise Carter Child & Caraway, P.A.
Post Office Box 651
Jackson, MS 39205-0651
Attorneys for Defendant/Appellant Central
Mississippi Medical Center

5. George T. Smith-Vaniz, M.D., Defendant/Appellant
6. Stephen P. Kruger, Esq.
Jan Gadow, Esq.
Page, Kruger & Holland, P.A.
Post Office Box 1163
Jackson, MS 39215-1163
Attorneys for Defendant/Appellant George T. Smith-Vaniz, M.D.
7. Ken E. Cleveland, M.D., Defendant/Appellant
8. Whitman B. Johnson III, Esq.
Lorraine W. Boykin, Esq.
Currie Johnson Griffin Gaines & Myers, P.A.
Post Office Box 750
Jackson, MS 39205-0750
Attorneys for Defendant/Appellant Ken E. Cleveland, M.D.
9. Honorable Winston Kidd
Hinds County Circuit Judge
Post Office Box 327
Jackson, MS 39205

Respectfully submitted,

LANELL HAMIL, INDIVIDUALLY, AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF EMMETT O. HAMIL,
DECEASED

BY Alton E. Peterson
LARRY STAMPS ESQ. MSB# [REDACTED]
ALTON E. PETERSON, ESQ. MSB# [REDACTED]
ATTORNEYS FOR PLAINTIFFS/APPELLEES

STATEMENT REGARDING ORAL ARGUMENT

Appellees do not believe that the facts and legal arguments encompassed in this appeal necessitate oral argument, but instead assert that this matter should be decided based on the briefs which have been submitted to the Court.

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TABLE OF AUTHORITIES

The Appellees, Lanell Hamil, Individually, and on Behalf of the Wrongful Death Beneficiaries of Emmett O. Hamil, Deceased, adopt by reference and incorporate herein, the Table of Authorities set forth in Appellees' Brief in response to Appellant, Dr. Ken Cleveland and Dr. George T. Smith-Vaniz.

STATEMENT OF THE CASE

The Appellees, Lanell Hamil, Individually, and on Behalf of the Wrongful Death Beneficiaries of Emmett O. Hamil, Deceased, adopt by reference and incorporate herein, the Statement of the Case set forth in Appellees' Brief in response to Appellant, Dr. Ken Cleveland and Dr. George T. Smith-Vaniz.

STATEMENT OF FACTS

The Appellees, Lanell Hamil, Individually, and on Behalf of the Wrongful Death Beneficiaries of Emmett O. Hamil, Deceased, adopt by reference and incorporate herein, the Set of Facts as set forth in Appellees' Brief in response to Appellant, Dr. Ken Cleveland and Dr. George T. Smith-Vaniz.

SUMMARY OF THE ARGUMENT

The Appellees, Lanell Hamil, Individually, and on Behalf of the Wrongful Death Beneficiaries of Emmett O. Hamil, Deceased, adopt by reference and incorporate herein, the Summary of Argument set forth in Appellees' Brief in response to Appellant, Dr. Ken Cleveland and Dr. George T. Smith-Vaniz.

LEGAL ARGUMENT


The Appellees, Lanell Hamil, Individually, and on Behalf of the Wrongful Death Beneficiaries of Emmett O. Hamil, Deceased, adopt by reference and incorporate herein, the Legal Argument set forth in Appellees' Brief in response to Appellant, Dr. Ken Cleveland and Dr. George T. Smith-Vaniz.



CONCLUSION

The Appellant's appeal is without merit. As it pertains to the Appellant's appeal, this Court should affirm the trial court's findings.

Respectfully submitted,

LANELL HAMIL, INDIVIDUALLY, AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF EMMETT O. HAMIL,
DECEASED

BY 

LARRY STAMPS ESQ. MSB# 
ALTON E. PETERSON, ESQ. MSB# 
ATTORNEYS FOR PLAINTIFFS/APPELLEES

OF COUNSEL:

STAMPS & STAMPS
ATTORNEYS AT LAW
296 EAST PEARL STREET
JACKSON, MISSISSIPPI 39201
POST OFFICE BOX 2916
JACKSON, MISSISSIPPI 39207-2916
TELEPHONE: (601) 354-4747

CERTIFICATE OF SERVICE

I, Alton E. Peterson, attorney for Appellee, Lanell Hamil, Individually, and on Behalf of the Wrongful Death Beneficiaries of Emmett O. Hamil, Deceased, do hereby certify that I have this day mailed, via United States mail, postage prepaid, a true and correct copy of the foregoing copy of the Appellees' Brief to:

Mark P. Caraway, Esquire
WISE CARTER CHILD & CARAWAY, P.A.
Post Office Box 651
Jackson, Mississippi 39205-0651
Attorney for Defendant
Jackson HMA, Inc. D/B/A/ Central Mississippi Medical Center

Whitman B. Johnson, III, Esquire
Lorraine W. Boykin, Esquire
CURRIE JOHNSON GRIFFIN GAINES & MYERS
Post Office Box 750
Jackson, Mississippi 39205-0750
Attorney for Defendant
Kenneth E. Cleveland, M.D.

Stephen P. Kruger, Esquire
Jan F. Gadow, Esquire
PAGE, KRUGER & HOLLAND, P.A.
Cranebrake Boulevard, Suite 200
Post Office Box 1163
Jackson, Mississippi 39215-1163
Attorney for Defendant
George T. Smith-Vaniz, M.D.

Honorable Winston Kidd
HINDS COUNTY CIRCUIT JUDGE
407 East Pascagoula Street
Jackson, Mississippi 39201

THIS, the 26th day of October, 2011.



ALTON E. PETERSON
ATTORNEY FOR APPELLEE