

**IN THE SUPREME COURT OF MISSISSIPPI
CASE NO. 2010-TS-01527**

**JACKSON HMA, INC. D/B/A CENTRAL MISSISSIPPI
MEDICAL CENTER, GEORGE T. SMITH-VANIZ, M.D.,
and KEN E. CLEVELAND, M.D.**

APPELLANTS

V.

**LANELL HAMIL, INDIVIDUALLY AND ON BEHALF
OF THE WRONGFUL DEATH BENEFICIARIES OF
EMMETT O. HAMIL, DECEASED, WHO ARE
ENTITLED TO RECOVER UNDER THE WRONGFUL
DEATH AND SURVIVAL STATUTE**

APPELLEES

**ON APPEAL FROM THE CIRCUIT COURT OF
THE FIRST JUDICIAL DISTRICT COURT OF HINDS COUNTY**

**BRIEF OF APPELLANT JACKSON HMA, INC.
D/B/A CENTRAL MISSISSIPPI MEDICAL CENTER**

SUBMITTED BY:

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Central Mississippi Medical Center***

(ORAL ARGUMENT REQUESTED)

CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following persons have an interest in the outcome of this case. These representations are made so that the Judges of this Court may evaluate possible disqualification or recusal.

1. Jackson HMA, Inc. d/b/a Central Mississippi Medical Center, Appellant;
2. Mark P. Caraway and Cory L. Radicioni, Counsel for Jackson HMA, Inc. d/b/a Central Mississippi Medical Center, Appellant;
3. George T. Smith-Vaniz, M.D., Appellant;
4. Stephen P. Kruger, Kristopher A. Graham, and Jane F. Gadow, Counsel for George T. Smith-Vaniz, M.D., Appellant;
5. Ken Cleveland, M.D., Appellant;
6. Whitman B. Johnson and Lorraine W. Boykin, Counsel for Ken Cleveland, M.D., Appellant;
7. Lanell Hamil Prisock and the Wrongful Death Beneficiaries of Emmett O. Hamil, Deceased, Appellees;
8. Alton Peterson, Counsel for Lanell Hamil Prisock and the Wrongful Death Beneficiaries of Emmett O. Hamil, Deceased, Appellees; and
9. Honorable Winston L. Kidd, Trial Judge.

Respectfully submitted,

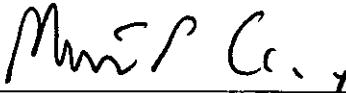
By: 
MARK P. CARAWAY
CORY L. RADICIONI
COUNSEL FOR APPELLANT

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TABLE OF AUTHORITIES

Jackson HMA, Inc., d/b/a Central Mississippi Medical Center, (“CMMC”) adopts by reference and incorporates herein, the Table of Authorities set forth in the Briefs of Co-Appellants, George T. Smith-Vaniz, M.D. and Ken Cleveland, M.D.

STATEMENT OF THE ISSUES

CMMC adopts by reference and incorporates herein, the Statement of The Issues as set forth in the Briefs of Co-Appellants, George T. Smith-Vaniz., M.D. and Ken Cleveland, M.D.

STATEMENT OF THE CASE

CMMC adopts by reference and incorporates herein, the Statement of The Issues as set forth in the Briefs of Co-Appellants, George T. Smith-Vaniz., M.D. and Ken Cleveland, M.D.

STATEMENT OF THE FACTS

CMMC adopts by reference and incorporates herein, the Statement of the Facts as set forth in the Briefs of Co-Appellants, George T. Smith-Vaniz, M.D. and Ken Cleveland, M.D.

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SUMMARY OF THE ARGUMENT

CMMC adopts by reference and incorporates herein, the Statement of The Issues as set forth in the Briefs of Co-Appellants, George T. Smith-Vaniz., M.D. and Ken Cleveland, M.D.

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STANDARD OF REVIEW

CMMC adopts by reference and incorporates herein, the Standard of Review as set forth in the Briefs of Co-Appellants, George T. Smith-Vaniz., M.D. and Ken Cleveland, M.D.

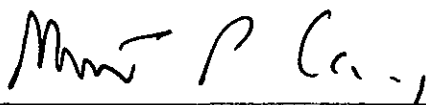
ARGUMENT

CMMC adopts by reference and incorporates herein, the Argument section as set forth in the Briefs of Co-Appellants, George T. Smith-Vaniz, M.D. and Ken Cleveland, M.D. CMMC would further state that upon consent of Plaintiffs' counsel at trial, the trial court entered a directed verdict as to CMMC with respect to all claims against CMMC other than a vicarious liability claim against CMMC on behalf of George T. Smith-Vaniz, M.D. (R. at 284-85). As a result, the arguments and authorities set forth by Co-Appellant, George T. Smith-Vaniz, M.D., apply with equal force and authority to CMMC.

CONCLUSION

CMMC adopts by reference and incorporates herein, the Conclusion section as set forth in the Briefs of Co-Appellants, George T. Smith-Vaniz., M.D. and Ken Cleveland, M.D. Specifically, CMMC joins in and adopts all relief and remedies pursued by Co-Appellant, George T. Smith-Vaniz., M.D. through his separate Brief, in addition to those set forth by separate Co-Appellant, Ken Cleveland, M.D.

**JACKSON HMA, INC. D/B/A CENTRAL
MISSISSIPPI MEDICAL CENTER**

By: 
MARK P. CARAWAY (MSB NO [REDACTED])
CORY L. RADICIONI (MSB NO [REDACTED])
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CERTIFICATE OF SERVICE

I, Mark P. Caraway, one of the attorneys for Appellant, Jackson HMA, Inc., d/b/a Central Mississippi Medical Center, do hereby certify that I have this day served a complete and correct copy of the Brief of Appellant and Record Excerpts, via United States Postal Service, postage prepaid, to the following:

Honorable Winston Kidd
Hinds County Circuit Court
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Jackson, Mississippi 39205

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This the 14 day of July, 2011.

Mark P. Caraway

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