

IN THE SUPREME COURT OF MISSISSIPPI

MISSISSIPPI CRIME LABORATORY; MISSISSIPPI STATE MEDICAL EXAMINERS; EXPERTOX INC. ANALYTICAL LABORATORY; MEDSCREENS, INC.; SUNSHINE MEDICAL CLINIC; DR. STEVEN HAYNE, IN HIS OFFICIAL AND PERSONAL CAPACITIES; DR. VIBHA VIG, IN HER OFFICIAL AND PERSONAL CAPACITIES; LISA HOEHN, IN HER OFFICIAL AND PERSONAL CAPACITIES

DEFENDANTS-APPELLANTS

V.

2010-IA-00776-SCT

HATTIE DOUGLAS, INDIVIDUALLY AND AS THE NATURAL MOTHER, NEXT FRIEND AND ON BEHALF OF ALL OF THE HEIRS AT LAW AND WRONGFUL DEATH BENEFICIARIES OF KADDARIUS DOUGLAS, DECEASED, KEVIN HAMLIN, AS THE NATURAL FATHER AND NEXT FRIEND OF KADDARIUS DOUGLAS, DECEASED, KELVIN L. DOUGLAS, A MINOR, KENDELL DOUGLAS, A MINOR, LAKENDRICK R. DOUGLAS, A MINOR, TY'SIA A. DOUGLAS, A MINOR, AND JEROME E. DOUGLAS, A MINOR

PLAINTIFFS-APPELLEES

**On Interlocutory Appeal from the Circuit Court of Hinds County, Mississippi
First Judicial District
Civil Action No.: 251-09-329 CIV**

BRIEF OF THE APPELLEES

RESPONSIVE TO ALL SEPARATE BRIEFS FILED BY APPELLANTS MISSISSIPPI CRIME LABORATORY, MISSISSIPPI STATE MEDICAL EXAMINERS, DR. STEVEN HAYNE, EXPERTOX INC. ANALYTICAL LABORATORY, MEDSCREENS, INC., SUNSHINE MEDICAL CLINIC; DR. STEVEN HAYNE, DR. VIBHA VIG, AND LISA HOEHN

(ORAL ARGUMENT NOT REQUESTED)

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ANALYTICAL LABORATORY; MEDSCREENS, INC.;
SUNSHINE MEDICAL CLINIC; DR. STEVEN HAYNE,
IN HIS OFFICIAL AND PERSONAL CAPACITIES;
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PLAINTIFFS-APPELLEES

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 so that the Honorable Justices of the Supreme Court of the State of Mississippi and/or the Judges of the Court of Appeals may evaluate possible disqualification or recusal:

1. Hattie Douglas, Plaintiff-Appellee
2. Kevin Hamlin, Plaintiff-Appellee
3. Kelvin L. Douglas, Plaintiff-Appellee
4. Kendell Douglas, Plaintiff-Appellee
5. LaKendrick R. Douglas, Plaintiff-Appellee
6. Ty'sia A. Douglas, Plaintiff-Appellee
7. Jerome E. Douglas, Plaintiff-Appellee

8. Members of the Sweet & Associates law firm, counsel for Plaintiffs-Appellees
9. Members of the Law Office of Latrice Westbrooks, counsel for Plaintiffs-Appellees
10. The Mississippi Crime Laboratory, Defendant-Appellant
11. The Mississippi State Medical Examiners, Defendant-Appellant
12. Expertox, Inc. Analytical Laboratory, Defendant-Appellant
13. Medscreens, Inc., Defendant-Appellant
14. Sunshine Medical Clinic, Defendant-Appellant
15. Dr. Steven Hayne, Defendant-Appellant
16. Dr. Vibha Vig, Defendant-Appellant
17. Lisa Hoehn, Defendant-Appellant
18. Members of the Watkins & Eager, PLLC law firm, counsel for Defendants-Appellants
19. Members of the Scott, Sullivan, Streetman & Fox, P.C. law firm, counsel for Defendant-Appellant
20. Members of the Robert Boyd and Associates, PLLC law firm, counsel for Defendant-Appellant
21. Members of the Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C. law firm, counsel for Defendant-Appellant
22. Members of the Brunini, Grantham, Grower & Hewes, PLLC law firm, counsel for Defendants-Appellants
23. Members of the Mitchell, McNutt & Sams, P.A. law firm, counsel for Defendant-Appellant
24. Hon. Winston L. Kidd, presiding judge over underlying case, Hinds County Circuit Court



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STATEMENT OF THE ISSUES

- I. Did the Circuit Court abuse its discretion in denying the Defendants-Appellants' Motion to Sever and Transfer Venue?

STATEMENT OF THE CASE

I. Nature of the Case

This is an interlocutory appeal from the denial of a motion to sever and transfer venue. The Hinds County Circuit Court has jurisdiction over the parties and the subject matter, and all defendants and causes of action are properly joined into this suit, as negligence occurred in Hinds County and the incidents complained of arose out of the same transaction, occurrence or series of occurrences. All claims for relief arise out of the same occurrence; the death of Kaddarius Douglas. All or portions of the Defendants' negligent acts and/or omissions occurred in the First Judicial District of Hinds County, Mississippi, thus venue is proper. Plaintiffs-Appellees contend that the trial court did not abuse its discretion in denying the motion to sever and transfer venue, as this cause of action is properly before the Circuit Court of Hinds County, Mississippi.

II. Statement of Facts

After taking her infant son to the doctor complaining of severe respiratory problems no less than three (3) separate times during his first and only year of life, Plaintiff-Appellee Hattie Douglas held her son Kaddarius in her arms as he passed away. As a result of contaminated, mishandled and inaccurate blood, urine and fluid testing, Hattie Douglas was subsequently charged with the murder of her son. Hattie Douglas spent a year and a half in prison, and her five surviving children were taken from her custody by the Mississippi Department of Human Services. After the blood, urine and

fluid sample testing mistakes were finally discovered, the charges against Hattie Douglas were *nolle prossed*. Ms. Douglas was released from prison, and faced the unimaginable tasks of picking up the pieces of her life while simultaneously attempting to properly grieve over the loss of her infant son for the first time, undertaking the fight to regain custody of her five remaining children, and attempting to move on from this sickening experience.

On or about October 15, 2005, Kaddarius Douglas, at the time a four (4) month old child, was presented to the Sunshine Medical Clinic with severe respiratory problems. Records indicate Kaddarius was treated by Lisa Hoehn, M.D./nurse practitioner. Dr. Hoehn took no x-rays, and her physician's notes for the visit make no mention of any consideration and/or treatment of pneumonia and/or myocarditis. On or about December 17, 2005, Kaddarius Douglas was again presented to the Sunshine Medical Clinic with severe respiratory problems. Records indicate Kaddarius was again treated by Dr. Lisa Hoehn. As was the case with the previous visit, Dr. Hoehn took no x-rays, and her physician's notes for the visit make no mention of any consideration and/or treatment of pneumonia and/or myocarditis.

On or about May 8, 2006, Kaddarius Douglas, now eleven (11) months old, presented to the Sunshine Medical Clinic with severe respiratory problems for the third time. Records indicate Kaddarius was treated by Dr. Vibha Vig. A physical examination of the infant revealed that the nose, mouth, pharynx and ears were abnormal. Dr. Vig took no x-rays, and her physician's notes for the visit make no mention of any consideration and/or treatment of pneumonia and/or myocarditis. Three days later, on May 11, 2006, Kaddarius Douglas passed away in his mother's arms.

Following his death, Dr. Steven Haynes performed an autopsy on Kaddarius' body. According to Dr. Haynes' report, there was no sign of the presence of alcohol in the baby's body. Blood and urine samples were taken from Kaddarius' body. Although Dr. Haynes' report declares that vitreous fluid was taken from the child, no other samples of any kind were taken. On or about May 15, 2006, blood and urine samples of Kaddarius Douglas were received by MedScreens, Inc. ("MedScreens") Ethanol and drug examinations of the specimens were requested. A page with Dr. Haynes' name on the letterhead recommended that a vitreous fluid sample be submitted in addition to blood for alcohol analysis; however, there are no indications that vitreous fluid of Kaddarius Douglas was ever drawn or submitted for testing at any time.

On or about May 16, 2006, MedScreens delivered all of Kaddarius Douglas' samples to Expertox, Inc. Analytical Laboratory ("Expertox"); how and where the specimens were stored and maintained during that period is not discernible from the reports. On or about May 17, 2006, a death certificate was issued, stating the cause of death to be "rollover death/compression of chest." The manner of death was deemed to be accidental. On or about May 24, 2006, Expertox issued a report providing a blood alcohol content reading of 0.02g%. On or about June 1, 2006 and June 5, 2006, for reasons unknown, Expertox issued subsequent reports on the specimens, which listed a blood alcohol content reading of 0.4g%. Expertox reported testing of the urine rendered a result of 0.4g%. The discrepancy between the first and subsequent tests has yet to be explained. On or about August 16, 2006, MedScreens sent the remaining samples and a test request to STL labs in St. Louis; STL concluded that the blood sample it was provided was insufficient and contaminated. STL also concluded that the urine test

yielded a result of 0.4g%, but also showed the presence of Brompheniremine and Pseudoephedrine/Ephedrine, which was consistent with the child taking cold medication.

Despite adamantly maintaining her innocence, Plaintiff Hattie Douglas was subsequently arrested and charged with the murder of Kaddarius Douglas, her beloved son who had only months before died in her arms. Ms. Douglas had raised five other children, in addition to Kaddarius, without a single report of abuse from the Mississippi Department of Human Services or any other child protective agency. Evidence from the prosecution revealed that the charge of murder against Hattie Douglas was ultimately based on phone calls made to local medical personnel after the state toxicology report was received. Upon information and belief, no Madison County authority looked into the medical history of the child or requested a detailed toxicology report from Expertox, which would have revealed the percentage discrepancies beginning eleven days after Kaddarius' death.

On or about July 10, 2007, Dr. Leroy Riddick ruled the death of Kaddarius Douglas was due to interstitial pneumonia and myocarditis. As a result of the murder charge and her subsequent incarceration, the Mississippi Department of Human Services removed Ms. Douglas' five children from her custody and the custody of the children's natural father, Plaintiff Kevin Hamlin. After being wrongfully incarcerated for over a year and a half, on or about May 29, 2008, the murder charge against Hattie Douglas was *nolle prossed*. Ms. Douglas was cleared of all wrongdoing in the death of her son.

III. Course of Proceedings and Disposition in the Court Below

The original suit brought by Plaintiffs-Appellees in the First Judicial District of Hinds County, Mississippi arises from *inter alia*, the reckless disregard, medical negligence, negligent hiring, negligent supervision, negligent control, negligent retention,

gross negligence, respondeat superior and res ipsa loquitur liability of the named defendants which resulted in the death of Kaddarius Douglas and the wrongful incarceration of his mother, Hattie Douglas. Defendants-Appellants filed their Motion to Sever and to Transfer Venue on or about September 24, 2009.¹ (R. 196). Plaintiffs-Appellees filed their Response and Memorandum of Authorities on or about October 9, 2009. (R. 251). Oral arguments were heard on the matter, and the Circuit Court denied the Defendants-Appellants' Motion. (R. 347). Defendants-Appellants have filed their Joint Petition for Interlocutory Appeal by Permission from that Order; the Petition was granted by this Court on or about June 30, 2010. (R. 408).

Defendants-Appellants Mississippi Crime Lab, Mississippi State Medical Examiners and Dr. Steven Hayne have filed a joint Appellants' Brief with this Court. Defendant-Appellant Medscreens, Inc. has filed an Appellants' Brief with this Court. Defendants-Appellants Sunshine Medical Clinic and Dr. Vibha Vig have filed a joint Appellants' Brief with this Court. Defendants-Appellants Lisa Hoehn and Expertox Inc. Analytical Laboratory have each filed Joinders to the Brief filed by Defendants-Appellants Sunshine Medical Clinic and Dr. Vibha Vig.

The arguments contained in the separate briefs are substantively identical, citing the same case law and other authority. Plaintiffs-Appellees submit this brief as responsive to all of the briefs and joinders filed by the Defendants-Appellants.

¹ The original Motion to Sever and to Transfer Venue was filed by Defendants-Appellants Mississippi Crime Laboratory, Mississippi State Medical Examiners and Dr. Steven Hayne; the remaining Defendants-Appellants joined in the Motion, filed a separate Motion on the same grounds, or specially appeared to join in the Motion. (R. 224, 229, 232, & 238).

SUMMARY OF THE ARGUMENT

The trial court did not abuse its discretion in denying Defendants/Appellants' motion to sever and transfer venue. The First Judicial District of the Hinds County Circuit Court has jurisdiction over the parties and the subject matter hereto, and all defendants and causes of action are properly joined into this suit, as the incidents complained of arose out of the same transaction, occurrence or series of occurrences. This case centers around one distinct litigable event; the death of Kaddarius Douglas. All claims for relief arise out of the same occurrence; the death of Kaddarius Douglas. All or portions of the Defendants' negligent acts and/or omissions occurred in the First Judicial District of Hinds County, Mississippi. Venue for this matter is proper in Hinds County, Mississippi.

ARGUMENT

I. Standard of Review

The Mississippi Supreme Court and Court of Appeals applies a deferential standard in the review of joinder and venue determinations, and will not reverse unless it is found that the trial court abused its discretion. *Please See Creel v. Bridgestone/Firestone North American Tire, LLC*, 950 So.2d 1024, 1027 (Miss. 2007) (quoting *Miss. Farm Bureau Fed'n v. Roberts*, 927 So.2d 739, 741 (Miss.2006)). Mississippi Rule of Civil Procedure 20 gives trial courts broad discretion in determining when and how to try claims. *Please See Wyeth-Ayerst Laboratories v. Caldwell*, 905 So.2d 1205, 1207 (Miss.2005) and *Mississippi Farm Bureau Federation v. Roberts*, 927 So.2d 739, 741 (Miss. 2006).

II. The Trial Court Did Not Abuse Its Discretion in Denying Defendants/Appellants' Motion to Sever and Transfer Venue

For the reasons set forth herein, this cause of action is properly before the Circuit Court of the First Judicial District of Hinds County, Mississippi, the Hinds County Circuit Court has jurisdiction over the parties and the subject matter hereto, and all defendants and causes of action are properly joined into this suit. The incidents complained of arose out of the same transaction, occurrence or series of occurrences and a question of law or fact common to all Defendants exists. All or portions of the Defendants' negligent acts and/or omissions occurred in the First Judicial District of Hinds County, Mississippi. Defendants/Appellants' arguments are three-fold; that the two prongs of Mississippi Rule of Civil Procedure 20(a) are not satisfied and that once severed, the 'medical malpractice claims' belong in Madison County, Mississippi and the 'wrongful incarceration claims' belong in Rankin County, Mississippi.

A. Severance

i. Mississippi Rule of Civil Procedure 20(a)

Rule 20(a) of the Mississippi Rules of Civil Procedure states:

All persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences, and if any question of law or fact common to all these persons will arise in the action. All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences, and if any question of law or fact common to all defendants will arise in the action. A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief, and against one or more defendants according to their respective liabilities.

Miss.R.Civ.P. 20(a).

The comment to Rule 20 states, in pertinent part, “the purpose of Rule 20 is to promote trial convenience and expedite the final determination of disputes, thereby preventing multiple law suits. The rule is permissive in character.” *Comment to Miss.R.Civ.P. 20*. The comment to Rule 20 continues, “Rule 20(a) permits joinder in a single action of all persons asserting or defending against a joint, several, or alternative right to relief that arises out of the same transaction or occurrence or series of transactions or occurrences and presents a common question of law or fact. The phrase ‘transaction or occurrence’ requires that there be a distinct litigable event linking the parties. Rule 20(a) simply establishes a procedure under which several parties’ demands arising out of the same litigable event may be tried together, thereby avoiding the unnecessary loss of time and money to the court and the parties that the duplicate

presentation of the evidence relating to facts common to more than one demand for relief would entail.

ii. Plaintiffs' right to relief against all Defendants arises out of the same transaction, occurrence, or series of transactions or occurrences

This case centers around one distinct litigable event; the death of Kaddarius Douglas. All claims for relief arise out of the same occurrence; the death of Kaddarius Douglas. Kaddarius Douglas' death and the facts surrounding his death give equal rise to both the medical malpractice claims and the wrongful incarceration claims of the Plaintiffs. But for the death of Kaddarius Douglas, there would be no causes of action for any Plaintiff, against any Defendant. The trial court had full severance authority under Mississippi Rule of Civil Procedure 42(b) if it appeared upon the court's review that some or all of the legal or factual issues may make the case cumbersome and confusing for the jury. Importantly, these matters can be handled judiciously by proper instructions to the fact finder. *Please See Vogel v. American Warranty Home Service Corp.*, 695 F.2d 877, 882 (5th Cir.1983) and *Towner v. Moore ex rel. Quitman County School Dist.*, 604 So.2d 1093, 1097 (Miss. 1992).

It is critical to note that Defendants/Appellants do not identify any potential prejudice as where evidence admissible only on a certain issue may prejudice them in the minds of the jury on other issues. The *Hegwood* case² (heavily relied upon by the Defendants/Appellants) turned on this very issue. The Court found that the Appellant would be prejudiced if the jury learned of her insurance coverage while it was deciding liability and damages. Defendants fail to set forth any potential prejudice to them by the presentation of any issue of law or fact that would be set forth during trial.

² *Hegwood v. Williams*, 949 So.2d 728 (Miss. 2007).

As is required by law in order for the issues to be properly raised in their appeal, all of the Defendants/Appellees' appeal issues were considered by the trial court. The trial court considered whether or not the death of Kaddarius Douglas was the distinct litigable event required to meet the prongs of Rule 20(a), whether there was a risk of jury confusion, whether different legal and factual issues exist, the impact of witness testimony, and whether or not a finding of liability against any defendant would be dispositive against any other. After careful consideration, the trial court properly determined that these issues could properly be addressed at the trial of this matter with appropriate curative and limiting instructions, should one take place.

iii. A question of law or fact common to all the parties will arise in this action

As shown in the above reasoning, questions of law or fact common to all the parties will arise in this action. Evidence, testimony and proof regarding the death of Kaddarius Douglas must be set forth, regardless of whether Plaintiffs/Appellants' claims are heard in one lawsuit or ten. The claims asserted against each Defendant/Appellant flow directly from Kaddarius' death. Without his death, there would be no claims against any Defendant/Appellant, either for the malpractice/negligence claims or the negligent and/or intentional acts relating to the wrongful incarceration claims.

The trial court understood and appreciated that judicial economy is best served by joining Plaintiffs/Appellees' claims in a single action. Duplicating every pleading, correspondence, element of discovery, pre-trial motion and trial aspect would be costly, time-consuming and unnecessarily burdensome to all parties involved. The purpose and intent of the Mississippi Rules of Civil Procedure are best served by denying Defendants/Appellants' Motion to Sever.

B. Venue

i. Negligence occurred in Hinds County, Mississippi, thus Venue is proper

Mississippi Code Annotated, Section 11-46-13(2) states, in relevant part:

“The venue for any suit filed under the provisions of this chapter against the state or its employees shall be in the county in which the act, omission or event on which the liability phase of the action is based, occurred or took place. The venue for all other suits filed under the provisions of this chapter shall be in the county or judicial district thereof in which the principal offices of the governing body of the political subdivision are located.”

Miss. Code Ann. § 11-46-13(2)

Negligent acts and/or omissions giving rise to this suit occurred in the First Judicial District of Hinds County. The Crime Lab and the State Medical Examiners negligently failed to make certain that proper testing procedures were put in place and were being utilized at the time of the autopsy of Kaddarius Douglas, that protocol regarding the performance of autopsies and fluid sample testing was being followed by Dr. Hayne, Expertox and Medscreens, and that Dr. Hayne, Expertox and Medscreens were properly qualified and adequately trained to perform the services rendered. The Crime Lab and the State Medical Examiners negligently breached their duty to oversee the performance of Kaddarius Douglas' autopsy and the testing of fluid samples from his body, which proximately caused the damages sustained by the Plaintiffs.

Additionally, under Sections 41-61-63 and 41-61-65 the Defendants/Appellants are required to perform certain duties regarding the performance of autopsies. Plaintiffs/Appellees contend that the evidence will show that the Defendants/Appellants were negligent in the following particulars (as it relates to the autopsy and fluid sampling of the body of Kaddarius Douglas), including but not limited to:

- (a) failing to provided adequate assistance, consultation and/or training to any and all county medical examiners, county medical examiner investigators and/or law enforcement officials involved in the examination of Kaddarius Douglas' body;
- (b) failing to keep complete records of all relevant information concerning Kaddarius Douglas' death or crimes requiring investigation by the medical examiners regarding his death;
- (c) failing to cooperate with the crime detection and medical examiner laboratories authorized by Section 45-1-17, the University of Mississippi Medical Center, the Attorney General, law enforcement agencies, the courts and the State of Mississippi regarding Kaddarius Douglas' death;
- (d) upon receipt of notification of Kaddarius Douglas' death failing to make inquiries regarding the cause and manner of death, reduced their findings to writing and promptly make a full report to the State Medical Examiner on forms prescribed for that purpose;
- (e) failing to maintain any and all records copied as confidential failing to complete the medical examiner's portion of the certificate of death within seventy-two (72) hours of assuming jurisdiction over Kaddarius Douglas' death;
- (f) failing to forward the certificate to the funeral director or to the family; failing to perform a death investigation in accordance with the child death investigation protocol established by the State Medical Examiner;

- (g) failing to report the results of the death investigation to the State Medical Examiner on forms prescribed for that purpose by the State Medical Examiner and to appropriate authorities (including police and child protective services) within three (3) days of the conclusion of the death investigation;
- (h) failing to promptly submit a complete autopsy report of findings and interpretations (prepared on forms designated for this purpose) to the State Medical Examiner;
- (i) failing to furnish copies of the complete autopsy report to the authorizing medical examiner, district attorney and court clerk;
- (j) failing to furnish a copy of the report to one (1) adult member of the immediate family of the deceased or the legal representative or legal guardian of members of the immediate family of the deceased upon request; and
- (k) failing to authorize an investigation and send a report of the investigation with recommendations to the appropriate district attorney after sufficient cause had clearly developed for further investigation after Kaddarius Douglas' body had been buried.

It is undisputed that the principal offices of the governing body of the Mississippi Crime Lab and the Mississippi State Medical Examiners are located in Hinds County, Mississippi. From these offices, Hinds County contracts with, employs, evaluates supervises, administers and oversees the several duties being performed by Dr. Hayne, Medscreens, Inc. and Expertox Inc. Analytical Laboratory. The State Crime Lab and the

State Medical Examiners are not permitted to dodge their oversight responsibility and hide behind a quasi sub-contract when something goes wrong. Defendants/Appellants have not provided this Court with any authority that would relieve them of their duties under Miss. Code Ann. § 41-61-63 or § 41-61-65.

Factual inquiries, discovery and litigation must proceed on these issues, in order to do justice and determine whether statutory requirements were met. Defendants-Appellants filed their Petition for Interlocutory Appeal prior to complying with the discovery requests propounded by the Plaintiffs-Appellees. Written discovery remains outstanding, no documents have been produced and deposition subpoenas have not been complied with. Plaintiffs-Appellees contend that once discovery is completed, evidence will show that additional negligent acts and/or omissions occurred in the First Judicial District of Hinds County, Mississippi. The well-established *Blackledge* rule applies here; "In suits involving multiple defendants, where venue is good as to one defendant, it is good as to all defendants." *Blackledge v. Scott*, 530 So.2d 1363, 1365 (Miss.1988) (citing *Jefferson v. Magee*, 205 So.2d 281 (Miss.1967)) (See also *Jeffreys v. Clark*, 251 Miss. 129, 141-42, 168 So.2d 662, 666-68 (1964), overruled on other grounds by *Sheffield v. Sheffield*, 405 So.2d 1314, 1318 (Miss.1981)).

II. Conclusion

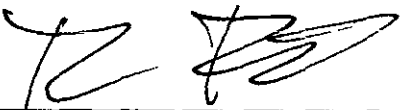
For the reasons contained set forth, this cause of action is properly before the Circuit Court of the First Judicial District of Hinds County, Mississippi, the Hinds County Circuit Court has jurisdiction over the parties and the subject matter hereto, and all defendants and causes of action are properly joined into this suit, as the incidents complained of arose out of the same transaction, occurrence or series of occurrences.

This case centers around one distinct litigable event; the death of Kaddarius Douglas. All claims for relief arise out of the same occurrence; the death of Kaddarius Douglas. The purpose of Mississippi Rule of Civil Procedure 20 is to promote trial convenience and expedite the final determination of disputes, thereby preventing multiple law suits. To sever this case is to create multiple lawsuits in multiple courts, thereby doubling and potentially tripling the time, efforts, legal fees and costs of litigation. Negligent acts and/or omissions of the Crime Lab and the State Medical Examiners giving rise to this suit occurred in the First Judicial District of Hinds County. Therefore, venue for this matter is proper in the First Judicial District of Hinds County, Mississippi. For these reasons, the trial court's decision to deny Defendants/Appellants' Motion to Sever and Transfer Venue, should be affirmed by this Court.

Respectfully submitted, this the 4th day of April, 2011.

HATTIE DOUGLAS, INDIVIDUALLY AND AS THE
NATURAL MOTHER, NEXT FRIEND AND ON
BEHALF OF ALL OF THE HEIRS AT LAW AND
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CERTIFICATE OF SERVICE

I, Thomas J. Bellinder, attorney for Plaintiff, do hereby certify that a true and correct copy of the foregoing has been issued via U.S. Mail to the following:

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P.O. Box 22711
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This the 4th day of April, 2011.

BY: _____



Thomas J. Bellinder