

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2013-CA-00966

DEBRA BARTLEY-RICE

APPELLANT

V.

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, IDALAN HAYMON,
AND JUDY AUSTIN**

APPELLEES

**BRIEF/JOINDER OF
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY**
Appellee

ORAL ARGUMENT NOT REQUESTED

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CERTIFICATE OF INTERESTED PERSONS

In order that the Justices of the Supreme Court and/or the Judges of the Court of Appeals may evaluate possible disqualification or recusal, the undersigned counsel of record certifies that the following persons have an interest in the outcome of this case:

- a. Debra Bartley-Rice, Appellant
- b. Idalan Haymon, Appellee
- c. Judy Austin, Appellee
- d. Tylvester Goss, Esq., Counsel for Appellant
- e. Michael Williams, Esq., Counsel for Appellant
- f. William M. Dalehite, Esq., Counsel for Appellee, Idalan Haymon;
- g. Seth McCoy, Esq., Counsel for Appellee, Idalan Haymon;
- h. Reeve G. Jacobus, Esq., Counsel for Appellee, Judy Austin;
- i. Tiffany P. Grove, Esq., Counsel for Appellee, Judy Austin;
- j. William H. Creel, Jr., Esq., counsel for Co-Defendant/Appellee, State Farm; and
- k. Honorable Jannie Lewis, Circuit Court Judge.

s/William H. Creel, Jr.
William H. Creel, Jr.
Jeremy T. Hutto
Currie Johnson Griffin & Myers, P.A.
Counsel for Appellee, State Farm
Mutual Automobile Insurance Company

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STATEMENT OF THE CASE

This case arises from an automobile accident which occurred on August 8, 2009, on I-55 North in Madison County Mississippi, between vehicles being driven by Appellant, Deborah Bartley-Rice, Appellee, Idalan Haymon, and Appellee, Judy Austin. Appellant filed suit in the Circuit Court of Holmes County against Appellees Haymon and Austin alleging negligence with regard to the accident and against Appellee, State Farm, for Uninsured Motorist Coverage under certain policies of insurance issued by Appellee State Farm to Appellant. [R. 8-12]

During the course of the proceedings, Appellee State Farm filed a motion to bifurcate/sever the claims of Appellant against Appellees Haymon and Austin from the claim of Appellant against State Farm. [R. 131] The trial court granted the motion and ordered that Appellant proceed to trial on her claims against Appellees Haymon and Austin, and that the final determination of liability and damages between Appellant and Appellees Haymon and Austin would be binding upon Plaintiff and State Farm up to the applicable policy limits. [R. 286-87] Appellant has not appealed this order of the trial court.

Trial proceeded on Appellant's claims against Appellees Haymon and Austin on May 6, 7 and 8, 2013. The jury returned verdict in favor of both Appellees on May 8, 2013, as more fully set out in the briefs of Appellees Haymon and Austin. In accordance with the jury verdict, the trial court entered a final judgment in favor of Appellees Haymon and Austin on May 14, 2013. [R. 464-68] Additionally, in accordance with the trial court's order of bifurcation, a final judgment was entered in favor of State Farm on June 12, 2013. [R. 494]

ARGUMENT AND JOINDER IN BRIEFS OF APPELLEES

Although Appellant includes in her appeal the final judgment entered in favor of State Farm, Appellant makes no argument independently against State Farm in her brief, and Appellant has not appealed any other orders of the trial court pertaining to State Farm. To the extent that Appellant is requesting that the final judgment entered in favor State Farm be reversed based upon the same grounds Appellant is asserting with regard to Appellees Haymon and Austin, State Farm joins in the statements of fact, arguments, analysis and support presented by Appellees Haymon and Austin, in their briefs in response to Appellant's brief and requests that this Court affirm the final judgments of the trial court entered in favor of the Appellees.

CONCLUSION

Appellee, State Farm Mutual Automobile Insurance Company, respectfully requests that this Court affirm the judgments entered by the trial judge in favor of Appellees.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

By: s/William H. Creel, Jr.
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CERTIFICATE OF SERVICE

I, William H. Creel, Jr., the undersigned counsel of record hereby certify that I have this day served a copy of these record excerpts via the Court's electronic filing system and/or U.S.

Mail to the following:

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This, the 27th day of March, 2014.

s/William H. Creel, Jr.
William H. Creel, Jr.