
LIABILITY - MISSISSIPPI

Simmons as Estate of Simmons v. Jackson County

Court of Appeals of Mississippi - November 22, 2022 - So.3d - 2022 WL 17099959

Wife of deceased motorist, as administratrix of motorist's estate, brought action pursuant to the Mississippi Tort Claims Act (MTCA) against county, county's road manager, and construction company hired to repave the road just prior to motorist's death.

Following a bench trial, the Circuit Court held that the county bore no liability for motorist's death. Wife appealed.

The Court of Appeals held that sufficient evidence supported trial court's finding that deceased motorist's own negligence constituted the sole proximate cause of his accident.

Sufficient evidence supported trial court's finding that deceased motorist's own negligence, in failing to exercise vigilant caution or to reduce his speed as he drove down road under construction, constituted sole proximate cause of accident, in which motorist ran off road due to alleged defect in roadway, in negligence action brought by deceased motorist's wife, as administratrix of motorist's estate, pursuant to Mississippi Tort Claims Act (MTCA) against county, county's road manager, and construction company hired to repave road just prior to motorist's death; witness testified that motorist seemed to be driving fast, edges of pavement were visible with vehicle headlights, and witnesses' knowledge of the road conditions existing at time of accident attested to need for vigilant caution.

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