

IN IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT

HUNTER WILLIAM FOOTE, JR.

PLAINTIFF

V.

CIVIL ACTION NO. A2401-2016-186

DUDLEY S. BURWELL, M.D.,  
ADVANCED ORTHOPEDIC ASSOCIATES, P.C.,  
AND MEMORIAL HOSPITAL AT GULFPORT

DEFENDANTS

FINAL JUDGMENT

This civil action was heard before a jury of twelve citizens and qualified electors of Harrison County, Mississippi, First Judicial District consisting of the foreperson, Felecia Harper, and eleven others who were duly and lawfully empaneled, accepted by the parties and sworn in according to the law to try the issues. The jury heard the testimony of the witnesses and the evidence introduced at trial and upon instructions of the Court, and after argument of counsel retired to consider their verdict. On September 6, 2019 the jury returned their verdict in a hand- written Jury Interrogatory and Special Verdict Form which was examined and read by the Court. The jury answered the Jury Interrogatory and Special Verdict form and found that the Defendants, Dudley S. Burwell, M.D. and Advanced Orthopedic Associates, P.C. breached the applicable standard of care in the care and treatment of the Plaintiff on June 5, 2015. The jury further found that the Defendant, Memorial Hospital at Gulfport (by and through Dr. Joseph Graham) breached the applicable standard of care in the care and treatment of the

Plaintiff on June 5, 2015. The jury also found that the breach of the applicable standard of care by the Defendants, Dudley S. Burwell, M.D./Advanced Orthopedic Associates, P.C. and Memorial Hospital at Gulfport (by and through Dr. Joseph Graham), was a proximate cause of the Plaintiff's injuries.

The jury awarded to the Plaintiff, Hunter William Foote, Jr., the following itemized damages:

- A. Past, present and future physical pain and suffering and resulting mental anguish: \$994,000.00 which this Court, *sua sponte*, reduces to \$500,000.00 pursuant to the provisions of §11-1-60(2)(a), Mississippi Code Ann.;
- B. Reasonable and necessary medical expenses already incurred: \$880,074.20;
- C. Past lost wages: \$107,508.00;
- D. Any future disability and impairment that is reasonably probable to occur, its duration and effect: \$125,769.00.

The jury further apportioned 75% fault to Dr. Burwell/Advanced Orthopedic Associates, P.C. and 25% fault to Memorial Hospital (Dr. Graham).

The jury verdict as to Memorial Hospital (by and through Dr. Joseph Graham) is advisory only. The Court will enter an Order and Final Judgment determining issues of fact and law regarding Plaintiff's claim against Memorial Hospital in due course.

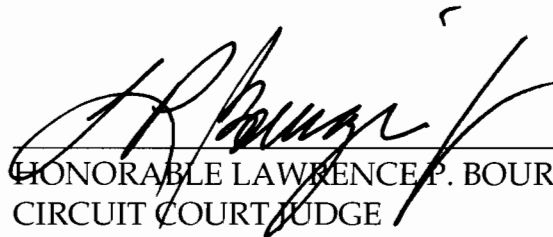
It is therefore,

ORDERED AND ADJUDGED that the Plaintiff, Hunter William Foote, Jr., have and recover from the Defendants, Dr. Dudley S. Burwell and Advanced Orthopedic Associates, P.C. a judgment in the amount of \$ 1,210,013.40, together with the legal rate


of interest of 6 % from the date of this Judgment as provided for in Miss. Code Ann. § 75-17-7. It is further,

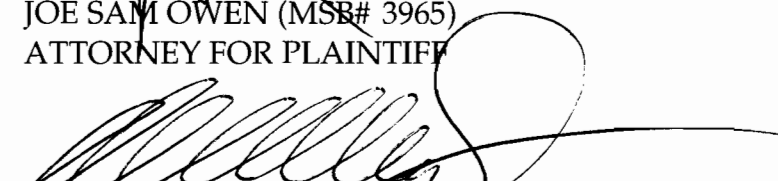
ORDERED AND ADJUDGED that this Final Judgment as to Dr. Dudley Burwell, M.D. and Advanced Orthopedic Associates, P.C. is a Final Judgment pursuant to Rule 54 (b) of the Mississippi Rules of Civil Procedure as the Court expressly determines that there is no just reason for delay of the entry of this Final Judgment against Dr. Dudley Burwell, M.D. and Advanced Orthopedic Associates, P.C.

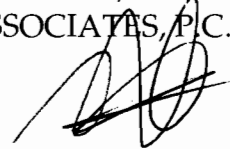
SO ORDERED AND ADJUDGED this the 17<sup>th</sup> day of September, 2019.

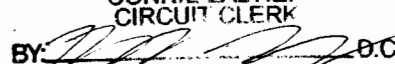
  
HONORABLE LAWRENCE P. BOURGEOIS, JR.  
CIRCUIT COURT JUDGE

*Approved as to form only:*

  
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JOE SAM OWEN (MSB# 3965)  
ATTORNEY FOR PLAINTIFF

  
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WILLIAM E. WHITFIELD (MSB# 7161)  
ATTORNEY FOR DEFENDANTS, DUDLEY S.  
BURWELL, M.D. AND ADVANCED ORTHOPEDIC  
ASSOCIATES, P.C.

  
\_\_\_\_\_  
ROLAND F. SAMSON, III (MSB# 8764)  
ATTORNEY FOR DEFENDANT, MEMORIAL  
HOSPITAL AT GULFPORT

**FILED**  
SEP 18 2019  
CONNIE LADNER  
CIRCUIT CLERK  
BY:  D.C.