

IN THE SUPREME COURT OF MISSISSIPPI

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

APPELLANT

VS.

CASE # 2014-CT-01079-SCT

**KIM HAMPTON, INDIVIDUALLY; KIM HAMPTON
ON BEHALF OF KIMRICK SMITH, DECEASED, AND
THE WRONGFUL DEATH BENEFICIARIES OF
KIMRICK SMITH**

APPELLEE

**APPEAL FROM THE CIRCUIT COURT FOR FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**SUPPLEMENTAL BRIEF OF
APPELLANT
UNIVERSITY OF MISSISSIPPI
MEDICAL CENTER**

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UMC stands on its prior briefing that provides its position on all of the appeal issues, specifically its:

- appeal brief filed on August 13, 2015;
- brief in reply filed on January 20, 2016;
- response to appellee's motion for rehearing filed on November 1, 2016; and
- response to appellee's petition for writ of certiorari filed on March 14, 2017.

As to the statute of limitations issue, the appellee, in her supplemental brief, adds to her previous arguments. In her supplemental brief, the appellee argues that when the complaint was filed, UMC had knowledge of the autopsy, thus "setting a date for when plaintiff should have known of the negligence." The appellee did not cite to the record for these assertions because nothing in the record supports these allegations. UMC had no information about the autopsy findings until it obtained a copy of the autopsy through discovery. At any rate, when UMC learned of the autopsy is not determinative. The question is when the plaintiff should have known of the injury and the acts or omissions that caused the injury. As fully explained in all the briefs referenced above, UMC did not have that information until the plaintiff's deposition was taken.

For all the reasons provided in UMC's briefs, UMC prays that this court will affirm the decision of the Court of Appeals which reversed and rendered the judgment of the Hinds County Circuit Court.

Respectfully submitted this the 6th day of June, 2017.

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER,
Appellant

By: /s/ Lanny R. Pace
Lanny R. Pace

OF COUNSEL:

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CERTIFICATE OF SERVICE

Electronic service is made on opposing counsel of record pursuant to the Miss. App. E-filing Admin. Proc. section 3(F). I hereby certify that I have this day forwarded U. S. Mail, postage prepaid, a true and correct copy of the above and foregoing to:

Honorable Winston Kidd, Trial Court Judge
Hinds County Circuit Court
Post Office Box 327
Jackson, MS 39205-0327

This the 6th day of June, 2017.

/s/ Lanny R. Pace
Lanny R. Pace