

# Mississippi Supreme Court Affirms Directed Verdict on Punitive Damages in Favor of Defendant Trucking Company

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Matthew Williams and Jennifer Young, attorneys from Galloway's Gulfport office, recently received a favorable decision from the Mississippi Supreme Court, affirming the trial court's directed verdict in favor of Galloway's client, a trucking company, on the issue of punitive damages. Plaintiff was injured in a collision with an 18-wheeler when the defendant's employee ran a stop sign. Plaintiff argued the trucking company was vicariously liable and directly liable for negligent hiring, training, supervision, and entrustment. The defendant trucking company admitted that the truck driver was an employee acting in the course and scope of his employment at the time of the collision. After defendant stipulated the driver's actions caused the accident, the court granted the defendant's motion for summary judgment, dismissing the direct liability claims, including claims for negligent hiring, training, supervision, and entrustment. The court also dismissed the driver and insurance company.

A trial on damages commenced, with the only remaining defendant being the trucking company. Trial was bifurcated and, after the jury awarded compensatory damages, the court allowed the plaintiff to present evidence in support of a punitive damages award. After hearing the evidence, the court granted a directed verdict on the issue of punitive damages in favor of the defendant. On appeal, Plaintiff argued the court erred in excluding relevant evidence demonstrating the trucking company's reckless disregard for others' safety by refusing to allow the issue of punitive damages to be submitted to the trier of fact. At issue were the trial court's rulings excluding evidence regarding the driver's drug test and hypertension and the trucking company's compliance with certain federal regulations. The Supreme Court affirmed, finding the trial court did not err in excluding evidence of the drug test (there was no evidence the driver might have been using drugs or alcohol at the time of the crash or that his employer knew of any drug or alcohol use by him); evidence regarding whether the driver was physically qualified to drive due to his hypertension (there was no evidence his blood pressure was elevated at the time of the accident or that the crash was caused by his blood pressure being elevated); and whether the driver made misrepresentations or omissions in his employment application (a moot issue because evidence of whether he lied on his application was not relevant to whether his employer was grossly negligent in hiring or retaining him). The Court further noted the driver was qualified to drive under the federal regulations and there was no evidence the federal regulations were insufficient to prevent others from harm. Thus, the trial judge did not abuse his discretion by granting a directed verdict on the issue of punitive damages.

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