



## R. Douglas Vaughn

Partner

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### Practices

Business & Commercial Transactions

Commercial Litigation

Commercial Real Estate, Financing & Leasing

Healthcare Litigation

Insurance Coverage

Trusts & Estates

Premises Liability

### Industries

Commercial Real Estate

Healthcare

Insurance

### Bar Admissions

Florida

U.S. District Court for the Middle District of Florida

U.S. Court of Appeals for the Eleventh Circuit

Mississippi

U.S. District Court for the Northern and Southern Districts of Mississippi

U.S. Court of Appeals for the Fifth Circuit

### Education

J.D., University of Mississippi, 1989

B.B.A., Mississippi State University, 1987

Doug Vaughn is a problem solver for his clients. He represents people and businesses when they need a voice to be heard and brings fresh ideas to claims to get a resolution in the client's best interest.

In practicing law, there is no one approach that fits all. Different clients have different ideals and objectives when they bring a case or a matter in need of resolution. Doug spends time listening to clients, understanding their culture, understanding what's important to them and then tailors an approach to their case to achieve their needs and their desires.

Initially trained to defend physicians in medical malpractice lawsuits, Doug is seasoned in the understanding of medical terms and issues that can arise in the defense of personal injury claims. He uses this same knowledge to the benefit of clients in product liability, automobile negligence and premises liability lawsuits. While malpractice and personal injury claims represent the largest portion of Doug's practice, he also handles business litigation and answers questions of insurance coverage.

Doug's leadership is demonstrated by his current and active service as 2018 President of the Mississippi Defense Lawyers Association, panel speaking engagements at the 2018 annual meetings of the CLM, and the International Association of Defense Counsel. He is admitted to practice in all state courts in Mississippi and Florida, as well as federal courts in Mississippi and the Southern District of Florida.

### Professional Associations

- International Association of Defense Counsel
  - Chair, Health Law and Medical Liability Committee
  - Vice-Chair, Transportation and Technology Committees
- Claims & Litigation Management Alliance
  - Co-Chair, Medical Legal Committee
- Mississippi Defense Lawyers Association
  - President, 2018
- Defense Research Institute
  - Steering Committee, Medical Liability and Health Law Seminar

### Accolades

- *Best Lawyers®* Lawyer of the Year - Product Liability Litigation - Defendants, 2022, Gulfport, MS
- Mid-South *Super Lawyers* List, 2013-present
- *The Best Lawyers in America®* List, 2016-present

- *Best Lawyers®* Lawyer of the Year – Litigation – Insurance, 2020, Gulfport, MS
- *Martindale-Hubbell AV®* Preeminent™ Peer Review Rated Lawyer

### Representative Successes

- ***Sandra Chesnut vs. Oak Place Pharmacy, Inc., and Katherine Hilbun, Case No. A2401-2013-306 Circuit Court of Harrison County, First Judicial District, State of Mississippi***  
Mr. Vaughn and Ms. Outzen defended Oak Place Pharmacy, Inc., and its prescription delivery driver Katherine Hilbun in a \$1 million motor vehicle negligence personal injury action in Mississippi state court. The plaintiff alleged the defendants violated safety rules putting the community in danger and the resulting accident took away her ability to enjoy the one activity providing a release from the high stress of her lifestyle and subjected her to the need for future back surgery. The defense called a local spine surgeon who opined her injury was not as severe as claimed, did not warrant surgery and was not necessarily related to the accident. Following a three day trial in which the trial judge directed the jury to find for the plaintiff and assess damages, the jury returned a verdict was exactly the amount defense counsel recommended.
- **Insurance Coverage – Medical Malpractice Defense**  
Mr. Vaughn wrote a coverage opinion for an insurance company writing medical malpractice insurance coverage for physicians in which Mr. Vaughn recommended a defendant physician's claim for coverage and indemnity be denied where the claim against the policy holder was made by criminal defendants against whom the policyholder doctor had testified as a State's witness in the area of forensic pathology. The criminal defendants were convicted based in part upon the doctor's expert testimony and were later exonerated by DNA evidence whereafter they sued the doctor for malicious prosecution, fraud and negligent misrepresentation. Mr. Vaughn's analysis of the policy and Mississippi law concluded the plain language of the insurance policy excluded coverage for the claims raised by the former criminal defendants and based upon that opinion, the insurer denied the physician's demand for a defense and indemnity under the policy. The determination was challenged in a direct action lawsuit filed by the doctor against the insurance company in Hinds County, Mississippi, and both the trial court and the Mississippi Supreme Court upheld Mr. Vaughn's coverage analysis.
- **Civil Litigation – Negligent Entrustment**  
Mr. Vaughn defended the owner of a utility vehicle against allegations of negligent entrustment, negligent supervision and failure to warn following a rollover accident resulting in over \$100,000 in medical bills incurred by the mother of a teenaged passenger following an accident which occurred while the utility vehicle was being driven by a fourteen-year-old on the owner's property. The case was tried to a jury in Hancock County, MS and resulted in a unanimous defense verdict for the owner of the utility vehicle.
- **Commercial Litigation – *Deutsch Kerrigan Client v. Natalie Joenenn, et al.***  
Mr. Vaughn obtained a summary judgment for his client, a regional bank with over \$20 billion in assets, which was being sued and faced possible punitive damages and attorneys' fees. The suit arose after the bank required a business owner to pledge excess collateral, a house trailer, to secure her business loan for a gas station/convenience store in Kiln, Mississippi, and to keep both the store and the trailer properly insured. When the plaintiff business owner failed to renew her home insurance on the house trailer, the bank exercised its right to obtain force-placed insurance on the trailer, but mistakenly took out a policy for the full amount of the business loan rather than the value of the collateral - a difference of several hundred thousand dollars. There was a fire at the trailer, resulting in a total loss. The adjuster and bank agreed to reform the policy to the actual cash value of the trailer and to adjust the premiums, giving credit to the customer's account for the excess premiums previously assessed, and then applying the cash value of the loss to the loan balance. When the customer found out what had happened, she threatened to sue under Mississippi's valued policy statute for the full amount of the face value of the force-

placed insurance policy. Instead, Mr. Vaughn filed a declaratory judgment action in chancery court, seeking reformation of the contract and court approval of the actions taken. As expected, the customer counterclaimed, suing the bank for a breach of its fiduciary duty of good faith and fair dealing in agreeing to reduce the policy after the fact and suing the insurer for bad faith. Punitive damages were demanded from both parties; however, the court sided with the defendant bank.

- **Construction Litigation – Payment Dispute**

Mr. Vaughn represented a sub-contractor in a payment dispute with a general contractor in a case tried to a jury in federal court in Gulfport, Mississippi. The adverse party sought over half a million dollars in delay damages, while the firm's client asked that the jury award the unpaid amount of the contract plus consequential damages. After a week-long trial, the jury returned a verdict awarding every dollar sought in damages by the client and awarded nothing to the adverse party.

### Publications

- “COVID-19 Business Interruption Insurance Claims Coverage Issues,” IADC Committee Newsletter, June 2020
- “A Primer for Understanding Blockchain,” IADC Technology Committee Newsletter, December 2016
- “Electronic Health Records: The Future of Standard of Care,” *IADC Medical Defense and Health Law Committee Newsletter*, June 2016
- “The Risks of Long Term Use of Narcotics for Pain Management: Preparing an Effective Cross Examination of the Over Prescriber,” *IADC Medical Defense and Health Law Newsletter*, January 2015

### Presentations

- “Civil Defense Practice in the 21st Century,” University of Mississippi BLSA, September 2018.
- “Artificial Intelligence in the Legal Profession,” moderator, IADC Annual Meeting, 2018.
- “Defending Lost Capacity,” IADC 2018 Professional Liability Roundtable, May 2018.
- “Assessing the Risks of Advance Practice Nursing and Defending Medical Malpractice Claims,” 2018 CLM Annual Conference; 2017 CLM Professional Liability Conference.
- “Chronic Pain: the Narcotics Problem,” IADC Annual Meeting, Colorado Springs, CO July 6, 2015.
- “Debunking the Science of Complex Regional Pain Syndrome,” CLM Alliance Medical Legal Summit, Chicago, IL June 3, 2015.
- “Point One at Me and Three Point Back at You: Strategies for Defending Multi-Party Professional Liability Lawsuits,” CLM Alliance Professional Liability and e-Discovery Conference, Orlando, FL January 24, 2014.
- “Obesity - the New Disease,” CLM Alliance Medical Legal Summit, Orlando, FL January 23, 2014.
- “Assessing the Risks of Advance Practice Nursing and Defending Medical Malpractice Claims,” University of South Alabama Legal Nurse Consulting Certificate Program, November 2013.
- “Unplug Your Jury From Social Media- Proactive Measures to Empanel an Unbiased Jury,” Mississippi Claims Association and Mississippi Defense Lawyers Association, November 7, 2013.