

MISSISSIPPI SUPREME COURT DECISIONS – MARCH 6, 2025**SUPREME COURT - CIVIL CASES****R.K. METALS, LLC v. E & E Co., Inc.****CIVIL - CONTRACT**

CONTRACTS - PERSONAL CAPACITY - BINDING SIGNATURE - A representative's signature on a contract can sufficiently bind him in his personal capacity when the clear language of the contract evinces the parties' intent for the representative to be personally bound

CONTRACTS - PERSONAL LIABILITY - SIGNATURE DESIGNATION - When a contract term imposes personal liability, one is not relieved of this liability simply by including a designation following his or her signature

CONTRACTS - CONTRACTING PARTY - DUTY TO READ - A contracting party is under a legal obligation to read a contract before signing it, and a person is charged with knowing the contents of any document he executes

CONTRACTS - EQUITABLE ESTOPPEL - CLOSE LEGAL RELATIONSHIP - Where a non-signatory has a close legal relationship, such as alter ego, parent/subsidiary, or agency relationship, with a signatory to the agreement, the non-signatory party may be required to participate in arbitration

FACTS

Mark Lovil was the manager of R.K. Metals, LLC ("R.K. Metals"), which leased a commercial building from E&E Co. Inc. ("E&E") in 2015. The lease was prepared by E&E, and Lovil signed it in his capacity as manager of R.K. Metals and not in his individual capacity. The 2015 lease contained neither a personal guaranty clause nor an arbitration clause, and R.K. Metals ultimately became delinquent in rent payments during the lease's term. When the lease expired in 2018, E&E prepared a new lease which included a personal guaranty clause and an arbitration clause. The guaranty clearly named Lovil and referred to him as the guarantor. Lovil signed the new lease, on the same page as the guaranty clause, as president of R.K. Metals. Two years later, R.K. Metals filed a complaint and sought declaratory relief, asserting breach-of-contract claims against E&E based on the new lease. The circuit court found the lease to be enforceable and ordered the case to arbitration, and E&E sought to join Lovil in his personal capacity to the arbitration. The parties moved to determine Lovil's status as guarantor and whether he could be compelled to participate in arbitration in his individual capacity. The circuit court found Lovil to be the personal guarantor of the lease and that he was a necessary party to arbitration. R.K. Metals and Lovil appealed.

ISSUES

Whether (1) Lovil was bound as personal guarantor to the commercial lease and (2) Lovil, in his individual capacity, was bound by the commercial lease's arbitration clause.

HOLDING

(1) Because the language of the lease's guaranty clause evidenced a clear intent for Lovil to be bound as the personal guarantor, Lovil's signature sufficiently bound him as guarantor in his individual capacity. (2) Because Lovil personally guaranteed the lease agreement, he became a party to the contract and was bound by the arbitration clause under the doctrines of equitable estoppel and agency based on his role as the president of R.K. Metals. Therefore, the Supreme Court affirmed the judgment of the Lee County Circuit Court.

Affirmed - 2023-CA-00620-SCT (Mar. 6, 2025)

En Banc Opinion by Justice Branning

Hon. John R. White (Lee County Circuit Court)

Norma Carr Ruff & B. Wayne Williams for Appellants - Taylor Hamilton Webb for Appellee
Briefed by [Payne Phillips](#)
Edited by [Brandon Peterson](#) & [William Davis](#)

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MISSISSIPPI COURT OF APPEALS DECISIONS – MARCH 4, 2025

COURT OF APPEALS - CIVIL CASES

DARDEN V. MISS. DEP'T OF EMP. SEC.

CIVIL - STATE BOARDS & AGENCIES

ADMINISTRATIVE LAW - STATE AGENCIES - TIMELY APPEAL - A claimant's failure to file a timely appeal from an administrative agency's decision will result in dismissal unless the claimant establishes good cause for the delay; mere misunderstanding of notification procedures does not constitute good cause where the claimant had reasonable access to the means of notification but failed to check for the agency's decision

ADMINISTRATIVE LAW - UNEMPLOYMENT BENEFITS - MISCONDUCT DISQUALIFICATION - A claimant is disqualified from receiving unemployment benefits if the employer establishes termination due to work-related misconduct; a reviewing court will affirm an agency's denial of benefits where the agency's decision is supported by substantial evidence and is neither arbitrary nor capricious

FACTS

Leonard Darden was terminated from his job in May 2023. He subsequently applied for unemployment benefits with the Mississippi Department of Employment Security ("MDES"). After reviewing the claim, a claims examiner determined Darden was terminated for work-related misconduct—specifically, failing to perform his assigned work duties. As a result, his application for benefits was denied. MDES notified Darden of its decision via email in June 2023 and informed him that he had fourteen calendar days to file an appeal. The notice also stated that if an appeal was filed late, a hearing would be held to determine whether good cause existed for the delay. Darden did not file his appeal until July 2023, well beyond the deadline. He later explained that he had selected email as his preferred method of contact but did not realize this meant he would receive his determination electronically. Instead, he relied on verbal information from an MDES employee, who allegedly told him to check his claim status online. Each time he checked, the system showed his application was still under review. After about two months, he called MDES and learned of his denial and the expired appeal deadline. He then immediately filed his appeal. An administrative law judge reviewed Darden's late appeal and determined that the notice had been properly sent and that Darden failed to establish good cause for missing the deadline. The MDES Board of Review upheld the administrative law judge's decision, and the trial court affirmed the ruling on appeal. Darden appealed.

ISSUES

Whether (1) Darden established good cause for failing to file his appeal within the required fourteen-day period and (2) MDES and the trial court properly denied Darden's application for unemployment benefits based on work-related misconduct.

HOLDINGS

(1) Because Darden's misunderstanding regarding the method through which he would receive notice did not constitute good cause, and because he had access to his email but simply failed to check it, there was no valid excuse for his untimely appeal. (2) Because substantial evidence supported MDES's determination that Darden was terminated for work-related misconduct, MDES and the trial court did not err in denying his application for unemployment benefits. Therefore, the Court of Appeals affirmed the judgment of the Chickasaw County Circuit Court.

Affirmed - 2024-CC-00159-COA (Mar. 4, 2025)

Opinion by Judge Weddle
Hon. Grady Franklin Tollison III (Chickasaw County Circuit Court, Second Judicial Dist.)
Pro se for Appellant - Albert B. White for Appellee
Briefed by [Dixon Stone](#)
Edited by [Summie Carlay](#) & [Emily Phillips](#)

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JACK V. CITY OF MERIDIAN

CIVIL - STATE BOARDS & AGENCIES

ADMINISTRATIVE LAW - AGENCY CONCLUSIONS - SUBSTANTIAL EVIDENCE & GOOD FAITH

- If an agency's decision is supported by substantial evidence, which means the underlying evidence provides a substantial basis of fact from which the issue can be reasonably inferred, then it is not arbitrary or capricious, which is intertwined with the issue of good faith; good faith shall be given a broad meaning that will include, but not be limited to, assuring that discipline of the department is not discriminatory or arbitrary in nature, but is fair, balanced, and measured to consider the unique and individual circumstances of each matter

EMPLOYMENT LAW - TERMINATION - BURDEN OF PROOF OF BAD FAITH - The termination of an employee must be supported by substantial evidence that the employee engaged in misconduct or in violation of the employer's policies; the burden to show an agency acted in bad faith or without cause in termination is upon the appellant-employee

FACTS

Rita Jack was a full-time police lieutenant for twenty-six years at the City of Meridian Police Department before being terminated in October 2022. The termination resulted after an investigation was opened by Police Chief Deborah Young in April 2022 when Jack's neighbor, Meridian Mayor Jimmie Smith, noticed that Jack's service vehicle was parked at her home during work hours. Internal Affairs Investigator Orlando Clark began surveillance and photographed Jack's service vehicle parked at her home during work hours twenty-eight times over the next four months while she was clocked in. Clark also gathered Jack's city-issued phone records, email logs, shift notes, and other documents and found that the phone records showed that on most days, Jack neither received or made any phone calls before noon, nor sent or received emails until later in the afternoon. In September 2022, after the investigation, the City of Meridian ("the City") served Jack with a Notice of Intent to Impose Disciplinary Action, which was termination in her case. The notice contained numerous Meridian Civil Service Rules that Jack had allegedly violated, all centered around her falsification of her time records. She was also served with a letter from Smith putting her on administrative leave along with a copy of Clark's report. Jack responded claiming that the report was untrue and that because of her unique duties, she was given a laptop to clock in remotely. Jack stated that she could provide evidence to show that her hours were legitimate, but she offered no specific details. Following her response, Jack's employment was terminated in October 2022. Jack appealed her termination to the Meridian Civil Service Commission ("the Commission"). In November 2022, the Commission convened a hearing on Jack's appeal. During the hearing, Young testified that at a meeting with Jack in 2021 she explained to Jack that she did not have permission to work from home and was not authorized to clock in on her laptop. Jack denied that she was ever told she could not work remotely and that there was no policy that she could not clock in on her laptop. Jack also claimed that she was being treated differently than two male officers who acted similarly. Clark testified regarding the Internal Affairs Investigation report that he prepared, stating that he would determine if she had clocked in, and if so, he would take a picture of Jack's service vehicle if it was parked at her house during that time. He also testified that there was confirmation based on emails and texts that Jack was not working. Smith also testified to telling Young about Jack's service vehicle being in her driveway during work hours after observing it for a week. Smith also testified that he had signed the termination powers because Jack had violated work policies. After the Commission reconvened and conferred in an executive session in December 2022 the City's decision regarding Jack was confirmed based upon the findings of the investigation. Jack appealed the Commission's ruling to the circuit court claiming that the disciplinary action was arbitrary, capricious, politically motivated, and not in good faith for cause. In November 2023, the circuit court issued its order affirming the Commission's ruling. The circuit court ruled that the

Commission acted properly by handing down a ruling that was supported by substantial evidence in the record. Jack appealed.

ISSUES

Whether (1) Jack’s termination was arbitrary and capricious, not in good faith, or not supported by substantial evidence; and (2) Jack was treated differently from two allegedly similarly situated male officers.

HOLDING

(1) Because Jack failed to meet her burden to show the Commission that she was working on days that the city claimed she was not, because Young was proceeding under the City’s policy that did not require her to interview Jack, and because there was a substantial basis from the evidence to reasonably infer that Jack was falsifying records, Jack’s termination was not arbitrary and capricious, was made in good faith, and was supported by substantial evidence. (2) Because Jack was treated the same as a former lieutenant who falsified records, and because Jack was not similarly situated to an officer who worked at home due to a knee surgery, Jack was not treated differently from two allegedly similarly situated male officers. Therefore, the Court of Appeals affirmed the judgment of the Lauderdale County Circuit Court.

Affirmed - 2023-CC-01339-COA (Mar. 4, 2025)

Opinion by Judge McDonald

Hon. Charles W. Wright Jr. (Lauderdale County Circuit Court)

Francis Starr Springer for Appellant - William Wyatt Simmons & Kate Sprabery Davis for Appellee

Briefed by [Eleanor Kast](#)

Edited by [Mattie Hooker](#) & [William Davis](#)

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MALONE-BEY V. MISS. STATE BD. OF HEALTH

CIVIL - STATE BOARDS & AGENCIES

CIVIL PROCEDURE - CHANCERY COURT - SCOPE OF AUTHORITY - Under Miss. Code Ann. § 41-57-23, a chancery court may correct errors and omissions and make certain changes to the categories of information included in a birth certificate

CONSTITUTIONAL LAW - EQUAL PROTECTION - FREE EXERCISE - Governmental agencies are not required to alter their record-keeping practices to accommodate an individual’s religious beliefs

FACTS

Kent Malone-Bey identified as “Moorish American,” and he sought to require the Mississippi State Board of Health to amend his birth certificate to designate his race as “white: Asiatic/Moor.” In his petition, Malone-Bey acknowledged that “the current Mississippi Live Birth Certificate does NOT include the child’s Race or Nationality.” The chancery court denied the petition stating that the court did “not have legal authority to” add information to a birth certificate as to race or nationality. Malone-Bey appealed.

ISSUE

Whether Malone-Bey’s constitutional or civil rights were violated by the Mississippi State Board of Health or the chancery court by refusing to add his self-identified race and nationality to his birth certificate.

HOLDING

Because race and nationality of the child was not listed on the Certificate of Live Birth, and because the chancery court lacked the authority to require the Mississippi State Board of Health to amend the certificate to include additional categories of information, Malone-Bey was not treated differently than anyone else, and his rights were not violated. Therefore, the Court of Appeals affirmed the judgment of the Lauderdale County Chancery Court.

Affirmed - 2024-SA-00288-COA (Mar. 4, 2025)

Opinion by Presiding Judge Wilson

Hon. Charles E. Smith (Lauderdale County Chancery Court)

Pro se for Appellant - Robert Jamison Barefield III & Kristi Duncan Kennedy for Appellees

Briefed by [Lexi Killebrew](#)

Edited by [Robert “Duncan” Jones](#) & [William Davis](#)

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COURT OF APPEALS - CRIMINAL CASES

MCNAUGHTON V. STATE

CRIMINAL - FELONY

EVIDENCE - ADMISSIBILITY - OTHER ACTS - Evidence of other crimes, wrongs, or other acts is not admissible to prove the character of the person in order to show that, on a particular occasion, he acted in conformity therewith; it may, however, be admissible for other purposes such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident

EVIDENCE - ADMISSIBILITY - OTHER ACTS - Relevant evidence should not be excluded unless its probative value is substantially outweighed by the danger of unfair prejudice; evidence of other acts is admissible in order to tell the complete story so as not to confuse the jury

CRIMINAL PROCEDURE - NEW TRIAL - SUFFICIENCY OF EVIDENCE - A new trial will not be ordered unless the court is convinced that the verdict is so contrary to the overwhelming weight of the evidence that to allow the verdict to stand would be to sanction an unconscionable injustice

FACTS

In April 2021, a court entered a domestic abuse protection order against Terrance McNaughton, restricting him from contacting his ex-girlfriend, Nina Cumbest, or coming within 1,000 feet of her or her place of employment, Sidelines Sports Bar and Grill (“Sidelines”). In May 2021, McNaughton violated the order and repeatedly called Cumbest while she was working. Cumbest’s customer, Curtis Ryan, aware of the pair’s history, saw Cumbest’s phone ringing, answered McNaughton’s call, and agreed to fight McNaughton one-on-one. McNaughton arrived with a friend, Calvin Butler, and parked his truck across the highway from a gas station near Sidelines. Simultaneously, Ryan departed the restaurant and walked towards the gas station, accompanied by Cumbest, Cumbest’s brother, Ryan’s brother Roy, and other Sidelines customers. Small fights soon broke out between the two groups. McNaughton approached Cumbest and screamed that he was going to kill her. He ran back to his truck, sped across the highway to the gas station, and ran over Cumbest with both driver’s side tires, causing fatal injuries. As he fled the parking lot, McNaughton crashed into an eighteen-wheeler and sustained serious injuries. Cumbest succumbed to her injuries six months later while McNaughton recovered. McNaughton was indicted for second-degree murder. Prior to trial, the State filed a motion to allow testimony under Miss. R. Evid. 404(b) about two prior instances of domestic abuse involving McNaughton and Cumbest. Specifically, the State sought to introduce testimony concerning an earlier incident in which Cumbest alleged that McNaughton physically assaulted and suffocated her. The State’s other evidence of McNaughton’s domestic abuse occurred in April 2021, when McNaughton ran Cumbest’s car off the road, demanded money, and punched her in the face several times. The trial court granted the State’s motion to allow the prior abuse testimonies, finding that they were relevant and probative of McNaughton’s intent and motive and that the evidence’s probative value outweighed any prejudice. The State then presented the testimonies regarding the prior domestic abuse along with testimony from a witness and the responding police officer to the April 2021 events and from Cumbest’s brother detailing other threats McNaughton made to Cumbest. At trial, Ryan, Roy, and another witness at the scene all testified that no one attacked McNaughton and shared similar accounts of the events. Roy also testified that McNaughton turned his wheels into Cumbest to run her over despite having the opportunity to miss Cumbest on either side. The chief investigator for the

district attorney's office corroborated that McNaughton had ample space to miss hitting Cumbest. However, Butler, a defense witness, testified that multiple people attacked McNaughton and that McNaughton ran back to his truck because he was surrounded by attackers. Butler further testified that Cumbest ran in front of the truck, but cross-examination of Butler revealed that he had not informed law enforcement that McNaughton was attacked during his interviews after the incident. He also admitted that surveillance footage of the events did not show McNaughton being attacked and that this testimony was the first time he had said such. The jury ultimately convicted McNaughton of second-degree murder. McNaughton appealed.

ISSUES

Whether the (1) trial court abused its discretion by admitting evidence of prior incidents of domestic violence by McNaughton against Cumbest; (2) evidence was insufficient to support McNaughton's conviction for second-degree murder; and (3) jury's verdict was contrary to the overwhelming weight of the evidence.

HOLDING

(1) Because the prior abuse testimonies were introduced to show the escalating level of violence that culminated in the crime of the murder and to tell the jury a coherent story, and because the trial court gave the jury a limiting instruction to not consider the evidence as proof that he committed the crime charged in this case, the trial court did not abuse its discretion in allowing the prior abuse testimonies. (2) Because multiple witnesses testified that McNaughton sped across the highway and ran over Cumbest, and because the jury viewed the surveillance video of the incident and made its own determinations, the evidence was sufficient to support a conviction for second-degree murder. (3) Because the jury properly resolved any conflicts in the evidence, the jury's verdict was not contrary to the overwhelming weight of the evidence. Therefore, the Court of Appeals affirmed the judgment of the Jackson County Circuit Court.

Affirmed - 2023-KA-01099-COA (Mar. 4, 2025)

En Banc Opinion by Presiding Judge Wilson

Hon. Kathy King Jackson (Jackson County Circuit Court)

George T. Holmes (Pub. Def. Office) for Appellant - Danielle Love Burks (Att'y Gen. Office) for Appellee

Briefed by [Drayton Purvis](#)

Edited by [Katie Shaw](#) & [Emily Phillips](#)

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TERRY V. STATE

CRIMINAL - FELONY

CRIMINAL PROCEDURE - EVIDENCE - SUFFICIENCY - When reviewing a challenge for sufficiency of the evidence, an appellate Court must determine whether, after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt

CRIMINAL PROCEDURE - EVIDENCE - OTHER-ACTS EVIDENCE - Under Miss. R. Evid. 404(b)(2), other-acts evidence may be introduced to prove motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident

CRIMINAL PROCEDURE - JURY INSTRUCTIONS - LESSER-INCLUDED OFFENSE - To receive a lesser-included offense instruction, a defendant must point to some evidence in the record from which a jury reasonably could find him not guilty of the crime with which he was charged and at the same time find him guilty of a lesser-included offense

FACTS

October 4, 2019, Kelsey and her boyfriend went to a dice and gambling club in Grenada. Kelsey chose not to go inside and instead stayed in the vehicle and went to sleep. A few hours later, Kelsey was abruptly snatched out of the car by two men, thrown to the ground, and terrorized. At the time Kelsey was snatched out of the car, a third man, Xtavier Terry, punched her in the face as she attempted to flee, causing her to hit the ground. When Terry then made his way

into the club, the two other men remained with Kelsey and sexually terrorized and assaulted her for hours. The following day, Kelsey reported the incident to law enforcement, despite the two men telling Kelsey they would kill her, dump her body in the Grenada lake, and kill her family if she told anyone. Terry was indicted on one count of kidnapping. Prior to trial, defense counsel filed a motion in limine to exclude the evidence relating to the crimes of Terry's co-defendants, arguing that the testimony would inflame the jury. The trial court denied the motion, and Kelsey offered testimony at trial regarding the events that occurred after Terry punched her in the face and returned to the club. In addition, the deputy who took her statement testified as to Kelsey's demeanor on the day she reported the incident. According to him, Kelsey seemed very jumpy, was crying, had a bruise on her face, and her body was covered in red marks. Following the State's case-in-chief, the defense moved for a directed verdict arguing that the State failed to make a prima facie case for kidnapping. The trial court denied the motion. Terry also submitted a jury instruction for simple assault which the trial court rejected. The jury found Terry guilty of kidnapping. Defense counsel then filed a motion for judgment notwithstanding the verdict, however, the trial court denied it as well. Terry appealed.

ISSUES

Whether (1) the evidence was sufficient to sustain the kidnapping conviction, and the verdict was not against the weight of the evidence; (2) the trial court abused its discretion by allowing Kelsey to testify about the crimes of Terry's co-defendants; and (3) a lesser-included instruction for simple assault was warranted.

HOLDING

(1) Because Terry aided his co-defendants by secretly confining, forcibly seizing, or causing Kelsey to be confined against her will when he punched her and prevented her escape, the evidence was sufficient to sustain the kidnapping conviction, and the verdict was not against the overwhelming weight of the evidence. (2) Because Terry and his co-defendants' crimes were integrally related in time, place, and fact, the trial court did not abuse its discretion in admitting Kelsey's testimony about the crimes of Terry's co-defendants. (3) Because the kidnapping instruction focused on confinement of a person against her will, and because the simple assault instruction focused on bodily injury to the victim, a lesser-included instruction for simple assault was not warranted. Therefore, the Court of Appeals affirmed the judgment of the Grenada County Circuit Court.

Affirmed - 2023-KA-00979-COA (Mar. 4, 2025)

En Banc Opinion by Judge McCarty

Hon. Alan D. Lancaster (Grenada County Circuit Court)

A.E. (Rusty) Harlow Jr. & Kathi Chrestman Wilson for Appellant - Julianne Kay Bailey (Att'y Gen. Office) for Appellee

Briefed by [Kellis Adams](#)

Edited by [Sarah Schlager](#) & [Emily Phillips](#)

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