

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

TERRENCE D. MCCLENDON

PLAINTIFF

VERSUS

CAUSE NO. A2401-2009-028

MEMORIAL HOSPITAL AT GULFPORT,  
SECURITRON MAGNALOCK CORPORATION  
AND JOHN AND JANE JOES

DEFENDANTS

ORDER GRANTING SUMMARY JUDGMENT  
AND FINAL JUDGMENT OF DISMISSAL

This matter came on for hearing on October 13, 2016, on the following motions: Defendant, Memorial Hospital at Gulfport's *Third Motion for Summary Judgment*; and Defendant, Securitron Magnalock Corporation's *Motion for Summary Judgment*.


After review of the materials filed in this matter and and having heard arguments of counsel, the Court finds as follows: the prior rulings entered by Circuit Court Judge Roger Clark have disposed of all issues except the allegations based upon premises liability against Memorial Hospital at Gulfport and the separate allegations against Defendant Securitron Magnalock Corporation; that with respect to the remaining claims the Court is of the opinion and so finds that there are no genuine issues of material fact, that the theory *res ipsa loquitur* is not applicable as a matter of law and that the motions filed by both Defendants are well taken and should be granted. It is, therefore,

**ORDERED AND ADJUDGED** that the *Third Motion for Summary Judgment* filed by Memorial Hospital at Gulfport is hereby GRANTED and Memorial Hospital at Gulfport shall be dismissed from this matter, with prejudice. It is further


ORDERED AND ADJUDGED that the *Motion for Summary Judgment* filed by Securitron Magnalock Corporation is hereby GRANTED and Securitron Magnalock Corporation shall be dismissed from this matter, with prejudice. And it is finally


ORDERED, ADJUDGED AND DECREED that all claims of the Plaintiff, Terrence D. McClendon, against Defendants, Memorial Hospital at Gulfport and Securitron Magnalock Corporation are hereby dismissed, with prejudice, with each party to bear their own costs and attorney's fees.


SO ORDERED on this 10 day of Nov, 2016.

  
HONORABLE CHRISTOPHER L. SCHMIDT  
HARRISON COUNTY CIRCUIT COURT  
JUDGE, FIRST JUDICIAL DISTRICT

Approved as to form:

  
W. Harvey Barton, Esq.  
Bar No. 2104  
Attorney for Plaintiff

  
Fredrick B. Feeney, II, Esq.  
Bar No. 5168  
Attorney for Defendant  
Memorial Hospital at Gulfport

  
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Securitron Magnalock Corporation

Submitted by counsel for the Defendants  
Memorial Hospital at Gulfport and  
Securitron Magnalock Corporation

FILED  
NOV 10 2016

CONNIE LADNER  
CIRCUIT CLERK  
BY:  D.C.