

IN THE CIRCUIT COURT OF GRENADA COUNTY, MISSISSIPPI

CHARLES McCORKLE

PLAINTIFF

VS.

CIVIL ACTION NO.: 2008-424CVL

GRENADA LAKE MEDICAL CENTER,  
KEVIN BRASWELL A/K/A M. BRASWELL, M.D.,  
BRASWELL-CAMPBELL EYE & DENTAL  
ASSOCIATES; STEPHAN BUTLER, M.D., AND  
JOHN DOES 1-10

DEFENDANTS

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**FINAL ORDER GRANTING MOTION FOR SUMMARY JUDGMENT  
ON BEHALF OF DEFENDANT KEVIN BRASWELL, M.D.**

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THIS DAY THIS CAUSE came on for hearing on Defendant Kevin Braswell, M.D.'s ("Dr. Braswell") Motion for Summary Judgment, which was joined by Defendant Braswell-Campbell Eye & Dental Associates. After considering said Motion, the Plaintiff's response to the Motion, and hearing argument of the parties, the Court finds that the Motion is well taken and should be granted. The Court finds that taking the evidence, even if viewed in light most favorable to the Plaintiff, does not make out a *prima facie* case of negligence against Dr. Braswell. This Court finds that the duty owed by Dr. Braswell in this case is a question of law and the Plaintiff has failed to prove that Dr. Braswell had a duty to this Plaintiff, or that Dr. Braswell breached his duty, if any, to the Plaintiff given the facts and circumstances presented to him by the emergency room doctor. Further, the Court is of the opinion that this Order granting Dr. Braswell's Motion for Summary Judgment should be entered and certified pursuant to M.R.C.P. 54(b) as a final judgment on behalf of Dr. Braswell. It is expressly determined by the Court that there is no just reason for delay in the entry of this judgment until final determination of all the issues involved in the above-entitled action, and the Court hereby directs the Clerk to enter the judgment immediately on behalf of Dr. Braswell.

84-408

**FILED**

SEP 14 2009

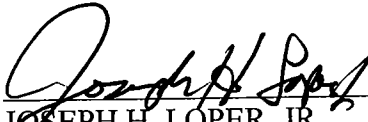
LINDA BARNETTE  
CIRCUIT CLERK



IT IS THEREFORE ORDERED AND ADJUDGED that the Complaint against the Defendant, Kevin Braswell, M.D., is therefore DISMISSED WITH PREJUDICE, pursuant to M.R.C.P. 54(b), with each side to bear its own cost.

SO ORDERED AND ADJUDGED this the 9<sup>th</sup> day of September, 2009.

84-409

  
JOSEPH H. LOPER, JR.  
CIRCUIT COURT JUDGE

ORDER PREPARED BY:

DIANE V. PRADAT, ESQUIRE (MSB#4473)  
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*Attorneys for Kevin Braswell, M.D.*

FILED

SEP 14 2009

LINDA BARNETTE  
CIRCUIT CLERK

