

The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

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Statewide Jury Verdict Coverage

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Civil Jury Verdicts

Timely coverage of civil jury verdicts in Louisiana including court, division, presiding judge, parties, case number, attorneys and results.

Medical Malpractice - The elderly plaintiff, who was in respiratory distress, was taken for a CT scan of her abdomen – when her rebreather oxygen was reconnected (she was screaming she couldn't breathe on the CT exam table), the oxygen was not turned on and she was breathing in her own carbon monoxide – she coded a few minutes later and although she was resuscitated, she died a few hours later – a Chalmette jury found the hospital at fault (it rejected the death claim but was for the plaintiff on loss of chance) and awarded "loss of chance" damages of \$500,000

Lewis v. St. Bernard Parish Hospital, 20-1141

Plaintiff: Michael J. Ecuyer and Rachel M. Naquin, *Gainsburgh Benjamin Meunier & Warshauer*, New Orleans

Defense: Paul A. Tabary and Elizabeth Borne, *Tabary & Borne*, Chalmette

Verdict: \$500,000 for plaintiff

Parish: **St. Bernard**

Judge: William M. McGoey

Date: 2-9-23

Carrie "Bert" Francis, age 67 and a lifelong resident of Dalcour, LA, was the beloved matriarch of her family. She had five adult children, Trina, Quinshell, Jester, Christopher and Steven. Francis arrived on the evening of 9-22-18 at the St. Bernard Parish Hospital with a stomach virus and associated GI symptoms. She was evaluated by an ER physician, Dr. Robert Sigillito.

Sigillito ordered a CT of Francis' abdomen. Before the CT her oxygen level was identified at 91% and she was short of breath. She was placed on an oxygen rebreather and her oxygen levels rose to 98%.

A little after 9:00 that night Francis was taken for the CT scan. Her rebreather was removed. Francis couldn't lie still (she was oxygen-deprived) and the CT was abandoned. In fact there was proof that Lewis was screaming that she couldn't breathe.

Hospital staff stopped the CT and began to take Lewis back to the exam room. The oxygen rebreather was placed on Lewis. However the oxygen was not turned on. She was not receiving a flow of oxygen and instead was just rebreathing her own carbon monoxide. During the transfer her vitals were not monitored by either a cardiac monitor or a pulsimeter.

When Lewis arrived in the exam room, she was not responsive. Sigillito arrived a moment later and observed this. He called a code. Francis was resuscitated but died early the next day on 9-23-18.

The Francis plaintiffs (representing her children) presented their claim to a Medical Review Panel. The heart of the case was that hospital staff had botched the management of Francis' oxygen which led to her death. The panel was comprised of Drs. Mark Haile, Mandeville, Chayan Chakraborti and Patrick Torcson.

The panel exonerated the hospital. It found that Francis arrived in distress at the hospital and then

Reitan, Ob-Gyn, New Orleans and Dr. Victor Tedesco, Cardiovascular Surgery, Lafayette.

Plaisance also implicated Vicknair's history of using Adderall. His proof noted she had a prior history (several years before) of abusing Adderall and had been hospitalized for it. Methamphetamine use is associated with dissection. Thus Plaisance raised this both in terms of causation and to apportion fault to Vicknair. Finally Plaisance argued that the dissection event (which is extremely rare) was not foreseeable especially as Vicknair had no known risk factors.

The plaintiff replied that in spite of Vicknair's Adderall history, there was no proof she was abusing it in 2015. Moreover even if she had discreetly used the drug a few years earlier, that did not exonerate Plaisance from the violating the standard of care.

This case was tried for four days in Covington. As the jury deliberated it had two sets of questions for the court. It first asked:
We need the ACOG guidelines used for the doctor's panel decision. What year was used.

The second question:

Can we request the autopsy?

The record does not reflect how or if Judge McGoey answered.

The jury then returned a verdict. It first answered for the plaintiff that it had established the standard of care. The jury continued that a breach of the standard of care was proven and separately that the breach proximately caused Vicknair's death.

The jury next considered apportionment. It was assessed 25% to Plaisance and the remaining lion's share of 75% to the decedent.

The jury then went to damages. It awarded Mae Bella \$2.2 million for her consortium interest. Her brother (Randy, he is now of majority) took \$1.2 million. The raw verdict for the plaintiffs totaled \$3.4 million. The court's judgment reduced that sum twice, first to \$850,000 for apportionment and then to \$500,000 to account for Louisiana's medical malpractice scheme.

Civil Rights - The plaintiff was assaulted and beaten up at a New Orleans bar (the Mid-City Yacht Club) by two off-duty rookie NOLA police officers – in this lawsuit the plaintiff alleged the officers acted under the color of law, and moreover, NOLA too was negligent in training, supervising and retaining the officers

Gomez v. City of New Orleans,
2:19-11803

Plaintiff: Jarrett Adams, New York, NY and David C. Isaacson and Diana L. Fitzgerald, *Fitzgerald & Isaacson*, Miami, FL

Defense: Corwin St. Raymond, Donesia D. Turner and Renee E. Goudeau, *Assistant City Attorneys*, New Orleans for City of NOLA

Defendant Galman pro se at trial
Verdict: Defense verdict on liability for all defendants

Federal: **New Orleans**

Judge: Barry W. Ashe

Date: 9-15-23

Jorge Gomez, who is a U.S. military veteran from Honduras, retired on the evening of 7-23-13 to his regular watering hole, the New Orleans bar, the Mid-City Yacht Club. He was wearing military fatigues. The same night two rookie City of New Orleans police officers, John Galman and Spencer Sutton, also came to the bar to drink. They

were off-duty. The officers were also veterans.

Galman and Sutton noticed Gomez (he was alone) and struck up a conversation. Their common thread was military service. While the conversation was initially friendly, it turned hostile when the police began to erroneously believe that Gomez had falsified his service. Galman and Sutton then bullied Gomez on his ethnicity, heritage and service. That included calling him a "Fake American."

The conflict spilled outside the bar and the officers continued to bully Gomez – that included the officers snatching Gomez's beret from his head. It was alleged that Galman and Sutton then attacked Gomez. This initial fight was quickly broken up by Good Samaritans who intervened. Gomez went to his car and prepared to drive home.

Gomez alleged that as he prepared to drive way, Galman and Sutton blocked his way. He knew they were NOLA police officers and he believed he was not free to leave. There was a second fight and this time, Gomez took the worst of it. By the time on-duty NOLA police arrived at the scene, Gomez was found unconscious in a pool of his own blood. Gomez has since treated for a lumbar strain, PTSD and depression. Both Galman and Sutton were subsequently fired.

Gomez filed this lawsuit and sued Galman and Sutton individually regarding the attack. He argued the police were acting under the color of law (this was hotly contested) and had used excessive force in beating him up. The heart of the claim was more insidious, namely, these troublesome rookie officers believed they could act without consequence. There was proof even that Galman