

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.

Roadway Negligence - A ten-year old boy suffered an above-the-elbow arm amputation and other serious injuries after his father's vehicle slid on a grassy shoulder into a guardrail, the guardrail peeling the car apart – the boy sued LA DATD and alleged negligence by it in failing to maintain the shoulder where grass grew over the asphalt for years which caused it to be slippery and ultimately led to the plaintiff's vehicle sliding instead of stopping – the jury awarded damages of \$20,000,000 and assessed fault just 20% to LA DATD, the remainder being assessed to two drivers involved in the incident

Jones v. Louisiana DATD, 43624

Plaintiff: Frank Tomeny, III, Jennifer Kinberger, *Tomeny Best Injury Lawyers*, Baton Rouge and Arthur Bagwell, *Bagwell & Bagwell*, White Castle

Defense: Christopher Stidham and Stacey Moak, *Assistant Attorney Generals (from Stidham & Crane)*, Baton Rouge

Verdict: \$20,000,000 for plaintiff assessed 20% to the defendant

Parish: **West Baton Rouge**

Judge: Elizabeth A. Engolio

Date: 9-16-22

Caleb Jones, then age 10, was a driver's side rear seat passenger in a 2015 Volkswagen Passat driven by his father, Jason. They traveled on an LA Hwy 1 Service Road just north of I-10 near Port Allen. The road is maintained by the Louisiana Department of Transportation and Development (LA DATD).

It was on the morning of 1-24-16. At this location the one-way road which has two southbound lanes begins to split. One lane goes on to Port Allen. The second lane merges onto I-10. There was proof that approaching this split, the Jones vehicle passed another vehicle driven by Malcolm Myers.

What happened next is in some dispute. Jones alleged that Myers (in the right lane) merged left and encroached Jones lane. Jones evaded a collision and moved onto a shoulder to his left. Myers for his part denied he'd encroached at all. Finally an independent witness indicated Myers had encroached. This witness also observed Jones and Myers appeared to be engaged in some kind of road rage.

However the lead-up occurred, Jones entered the shoulder and hit the brakes. However his vehicle didn't immediately stop. It continued to slide and struck a guardrail. The guardrail sheared open the side of the vehicle like a soup can.

Caleb suffered serious injuries in the crash. His left arm was amputated above-the-elbow. The arm was recovered and doctors made an attempt to reattach it. Those efforts failed.

Caleb also suffered severe leg fractures (femur and tib-fib) as well as a shattered spleen. He later underwent some 20 surgeries. His medical bills were \$1,971,477.

Caleb first pursued a lawsuit against Myers and blamed him for running the vehicle off the road – there was no impact between the two