

# 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.

**Products Liability - The plaintiff (age 70) died within weeks of a mesothelioma diagnosis in 2015 – the plaintiff settled with multiple defendants and proceeded to trial against a single defendant (Union Carbide) where he had worked for several weeks in the 1960s – the jury found for the plaintiff on both a survival claim (a 1/7th virile share) and a death claim (20% fault to the defendant) and awarded total damages of \$10,354,000 which were assessed (virile share and apportionment) against the surviving defendant in the sum of \$1,793,722**

*Stauder v. Union Carbide*, 16-2190

Plaintiff: Lance C. Unglesby, Lewis O. Unglesby, Jordan L. Bollinger and Jamie F. Gontarek, *Unglesby Law Firm*, Baton Rouge, Calvin C. Fayard, Jr. and D. Blayne Honeycutt, *Fayard & Honeycutt*, Denham Springs, LA and Lindsey A. Cheek, *The Cheek Law Firm*, New Orleans

Defense: Walter G. Lynch and Kevin M. Jordan, *Jordan Lynch & Cancienne*, Houston, TX and McGready L. Richeson, *Pugh Accardo Haas Radecker & Carey*, New Orleans

Verdict: \$10,354,620 for plaintiff assessed a 1/7th virile share on the death claim and 20% on the survival claim for a net verdict of \$1,793,722

Parish: **Orleans**

Judge: Jennifer Medley

Date: 12-17-21

David Stauder worked from 1964 to 1980 as a pipefitter at a variety of industrial locations in South Louisiana. Moving forward to March of 2015 and then age 70, he was

diagnosed with mesothelioma.

Stauder died six weeks later and was survived by his two adult daughters, Jill and Shelley.

The plaintiff (incorporating both wrongful death and survival claims) pursued this lawsuit against multiple defendants. All settled before trial except a single defendant: Union Carbide. There was proof from a Stauder co-worker that in 1966 they had worked several weeks at the Union Carbide facility in Taft, LA and were exposed to asbestos.

The plaintiff's liability experts were Victor Roggli, Pathology/Causation, Dr. Arnold Parker, Cell Biology of Mesothelioma, Frank Parker, Industrial Hygiene and Barry Castleman, Historical Corporate Knowledge. The plaintiff sought survival damages as well as the wrongful death consortium interests of the two daughters.

Union Carbide defended on several fronts. The first was to impeach the co-worker who had testified (perhaps inconsistently and with a faulty memory of events 50 years earlier) that the work exposure at Union Carbide occurred in 1972. If this were true, the defense postured, there was no exposure at all as by 1972 the plant was not using asbestos.

The defense also contested that even if there was an exposure in 1966, it was extremely limited (Stauder was there just six weeks or so) and thus there was no causation. Union Carbide sought to assess fault to other settled and non-parties including Stauder's employer.

Dr. R. Clifton Moore, a hospital employee. As the delivery progressed, Moore utilized forceps to deliver a baby boy named Dylan.

There was proof the use of forceps left the child with lacerations to his head. This resulted in permanent scarring. Dylan has also complained of a facial palsy.

In this lawsuit the Stipes (the boy and his mother) alleged error by Moore in using too much force with the forceps. This in turn led to the physical injuries, scarring and disfigurement. The plaintiff's liability expert, Dr. Patricia Dix, Ob-Gyn, Springfield, MO, identified an error – she also resisted the notion this event represented a simple complication.

If the plaintiffs prevailed they sought general damages for Dylan (he's eight now) for his emotional and psychological suffering. His mother also sought sums for her loss of consortium.

Moore defended that it was a difficult and complicated delivery, made so in part because of the mother's pre-eclampsia and the premature status. Then during the delivery there was fetal distress (a dropping heart rate) and Moore made the proper decision to use forceps. Moore then delivered the child and provided as he described it, "excellent life-saving care."

Moore having first defended his care also went to damages. He described that Dylan suffered just a simple laceration to the head and a temporary facial palsy. His long-term problems and disfigurement were linked to a pressure "Halo necrosis" which is not uncommon in premature babies.

The matter was submitted to a Medical Review Panel. It was comprised of Drs. Christian Briery,

Joseph Miller and Scott Barrilleaux. They concluded there was no deviation from the standard of care. Briery served as Moore's standard of care expert at trial.

This case was tried in Gretna for three days. There was interesting practice on the second day of trial. A juror, John Guyton, who was going to fly out of town for business the next day, reported that he was "so invested" in the case that he was going to stay. He also explained in support of staying that he'd been selected as the jury foreman. Guyton had this conversation in chambers with Judge Brindisi and counsel.

Thereafter the plaintiffs requested the court to admonish the jury to not deliberate or select a foreperson before the case was submitted. Judge Brindisi declined.

The case concluded and the jury deliberated. It turned out Guyton was the foreperson. The jury answered that Stipe had proven the standard of care. However it answered for Moore that he had not breached it. That ended the deliberations and the plaintiffs took nothing.

Stipe has since moved for a new trial and cited error by Guyton being selected as the foreperson before the case was deliberated as well as by Judge Brindisi in failing to admonish the jury about this. The plaintiff has further argued this misconduct impaired the fair administration of justice. The motion is pending and at the time of this report, the defendant had not responded.

**Medical Malpractice - The plaintiff was hospitalized with shortness of breath related to heart disease and while he was identified as being a fall risk, the hospital failed to implement fall protections – two days after admission the plaintiff fell and sustained an intercranial hemorrhage which proved fatal – the jury found the hospital at fault and awarded \$275,000 for the decedent's pain and suffering and \$75,000 for his adult son's consortium interest**

*Maryland v. Northern Louisiana Medical Center*, 60335

Plaintiff: Steven E. Soileau, *Thomas Soileau Jackson & Cole*, Shreveport  
 Defense: Robert I. Baudoin and Richard E. Gruner, Jr., *Blue Williams*, Metairie

Verdict: \$420,000 for plaintiff 3% comparative fault

Parish: **Lincoln**

Judge: Monique R. Clement

Date: 1-27-22

Romie Maryland, age 71, was admitted to Northern Louisiana Medical Center in Ruston on 1-21-17. He was suffering from shortness of breath which was related to ongoing heart disease. Maryland was also on an anti-coagulant.

Maryland was assessed in the ER as at high risk of falling. He was then transferred from the ER to a regular hospital room. The fall protocols were not observed. Maryland's room didn't have a bedside mat or a bed alarm, nor was he provided non-slip footwear.

Two days later at 6:05 in the morning, Maryland was found on the floor. He'd apparently fallen as he got up to use the bathroom. Maryland had what appeared to be just a bump on his head. It was actually more than that. He had a skull fracture that