

# The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

March 2012

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.

### **Marine Negligence - An oil platform worker sustained a disc injury when his foot stepped through a poorly repaired deck floor – the floor had been repaired with fiberglass and duct tape, then being painted over to conceal the hazard**

*Raynes v. McMoRan Exploration,*  
2:08-5018

Plaintiff: Laurence E. Best and Cristin D. Morneau, *Koepfel Taylor*, New

Orleans  
Defense: Coleman T. Organ, *Bastian & Associates*, New Orleans and John E. Baay, II and Michael D. Canglosi, *Gieger Laborde & Laperouse*, New Orleans  
Verdict: \$4,613,561 for plaintiff  
Federal: **New Orleans**  
Judge: Lance M. Africk  
Date: 2-1-12

Jamie Raynes was working in the fall of 2008 on an off-shore oil platform in the Gulf of Mexico operated by McMoRan Exploration. Raynes was employed by Grasso Management and

had been assigned to the platform. His position was described as an operator. He had been working on this platform for six months.

Important to this case, McMoRan Exploration had only recently acquired the platform from Newfield Exploration. After acquiring the platform, McMoRan discovered it had needed significant repairs. Many portions of the decks (where workers worked) were in what was called ruinous condition.

Against this backdrop, Raynes walked

\* \* \* Introducing \* \* \*

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on the deck on 9-24-08. As he took a step, his foot fell through a hole in the deck. The deck had previously received a jerry-rigged repair of sorts. Where the deck had worn, fiberglass had been placed – the fiberglass was secured with duct tape and the area was painted back over. [That potential defect was thus not visible.]

The step-through event caused Raynes to suffer an L4-5 disc rupture. After a period of conservative care, he underwent a facet fusion surgery the next June. His symptoms continued and Raynes had yet another interbody fusion surgery. Despite these surgeries (performed by Dr. David Lee, Neurosurgery, Hattiesburg, MS), Raynes has continued to complain of chronic pain that limits him only to sedentary work. While Raynes had previously driven a truck in his off-days from platform work, he is now fully disabled. His economist expert was John Gardner, Slidell.

In this lawsuit, Raynes sued McMoRan and alleged negligence by it in failing to repair the platform after purchasing it from Newfield – important to the plaintiff's theory, McMoRan knew of the defects (it had hired a consultant after the purchase) but still failed to make necessary repairs. In approaching the hazard of the poorly repaired decking, Raynes also explained that it was impossible for him to know of the hazard. Beyond his claim for damages, his wife and two minor children presented derivative consortium claims.

McMoRan defended the case and first postured that Grasso's employer (which supplied the platform with pumpers and operators) had a duty each day to inspect the platform. That duty applied to Raynes as well – he was on the platform for six months and had an opportunity equal to McMoRan to inspect the platform. The defense also explained that it didn't know of the deck defect, the fiberglass-duct tape repair (having been made before the purchase) was also unknown to it. McMoRan also diminished the claimed injury and the plaintiff's purported vocational impairment.

The jury answered that the defendant

was negligent and the legal cause of Raynes's injuries (in separate inquiries). The jury also rejected the imposition of any comparative fault to either Raynes or his non-party employer.

Then to damages, Raynes took \$750,000 for past and future pain and suffering and \$1.25 million more for the loss of enjoyment of life. His wage loss was \$2,132,000, the jury adding \$313,241 for his medicals. Future medicals were \$168,320. The jury rejected any consortium award to Raynes's wife or his two children. The verdict totaled \$4,613,561. A judgment in that sum was entered by the court.

**Truck Negligence - As the plaintiff traveled on the interstate near Lake Charles (there were three lanes and she was in the center lane), a tractor-trailer next to her encroached her lane – the plaintiff slammed on the brakes to avoid striking the encroaching tractor-trailer and then was struck by a second tractor-trailer traveling behind her – she has since complained of persistent low-back pain**

*Brignac v. Celadon Trucking et al*, 2:10-373

Plaintiff: Aaron J. Broussard, *Broussard & Hart*, Lake Charles

Defense: M. Davis Ready, *Simon Peragine Smith & Redfearn*, New Orleans for Celadon Trucking

Thomas J. Solari, *Woodley Williams Law Firm*, Lake Charles for Gate Precast

Verdict: \$60,484 for plaintiff assessed 90% to Celadon and 5% to Gate Precast

Federal: **Lake Charles**

Judge: Patricia Minaldi

Date: 1-26-12

Shirley Brignac, then age 55, traveled in the center lane of I-10 near Lake Charles on 4-29-10. At this location the interstate has three lanes. Next to Brignac in the inner and outer lanes were tractor-trailers. To the left of Brignac was a tractor-trailer driven by a trucker for Celadon Trucking. Suddenly the Celadon tractor-trailer started to encroach Brignac's lane.

Because another truck was next to Brignac, she had no choice but to slam the brakes to avoid collision. While she

avoided the Celadon trucker, a third trucker traveling behind Brignac (Michael Marr of Gate Precast) could not avoid Brignac. He rear-ended her vehicle. [The Celadon driver left the scene – until the morning of the trial, Celadon had denied its driver was involved.]

Brignac was taken by ambulance to the ER for apparent soft-tissue symptoms. She didn't treat for another month and then began a six month course of chiropractic care for low-back pain. Brignac also later had an epidural injection. By the time of trial, Brignac had not sought any treatment for 18 months. [She is cook at Delta Downs.]

In this lawsuit Brignac sought damages from both Celadon and Gate Precast, blaming the crash on a combination of their negligence. It began with the Celadon driver encroaching and ended with Marr rear-ending her.

The defendants jointly implicated one another as well as the plaintiff's own fault. They also diminished damages noting that Brignac had a history of neck pain that dated to 2004. An MRI at that time had revealed severe degenerative conditions.

This case was tried for three days. The jury's verdict was mixed on fault. The verdict itself is not a state secret, but it is learned that the jury found the Celadon 90% at fault. The remaining 10% was assessed equally to both Marr and the plaintiff.

Then to damages Brignac took medicals of \$15,484. Her past general damages were \$40,000, the jury adding \$5,000 more for in the future. The verdict totaled \$60,484 and presumably will be assessed consistent with comparative fault to the defendants.

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