

# The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

March 2022

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.

**Auto Negligence - As the plaintiff passed a postal truck that was stopped for a delivery, the USPS driver suddenly turned left and a collision ensued – the plaintiff has since complained of a C5-6 disc injury and undergone a variety of treatments including ablation and a fusion surgery has been recommended – in this Federal Tort Claims Act lawsuit the plaintiff sought damages from the government**

*O'Neal v. United States Postal Service*, 1:19-1472

Plaintiff: W. Jay Luneau, Robert L. Beck, III and Sara B. Dantzler, *Luneau & Beck*, Alexandria

Defense: Jennifer B. Frederick, *Assistant U.S. Attorney*, Lafayette

Verdict: \$506,485 for plaintiff less 50% comparative fault (Bench trial)

Federal: **Alexandria**

Judge: Dee D. Drell

Date: 2-15-22

Randy O'Neal, then age 58, traveled on Rigolette Road in Pineville, LA – the road is described as being windy and in a neighborhood. At the location of this event the road was two lanes and was marked with a solid yellow line indicating a no passing zone.

At the same time Troy Meyer was driving a standard United States Postal Service (USPS) delivery truck. He'd pulled to the shoulder of the road and was making a delivery to the front door of a home. Meyer then prepared to drive away.

Just as Meyer turned his wheel left and accelerated back onto Rigolette,

O'Neal was passing. A collision resulted and the side of O'Neal's Mustang automobile was scraped. It was a moderate impact.

O'Neal's version was that he approached the stopped postal truck. He first stopped. O'Neal then elected to make the pass and honked as he did so. Meyer then suddenly turned left into his path.

Meyer recalled it differently. He claimed that he turned his wheel left, put on his turn signal and carefully checked his mirrors. He didn't see O'Neal. Only then did Meyer start forward. The government postured that O'Neal was solely to blame as he had attempted the pass in a "no-passing" zone. O'Neal replied that this wasn't relevant as the no-passing prohibition was only applicable to oncoming traffic and had nothing to do with this crash, which O'Neal believed was caused by Meyer pulling into his path.

O'Neal subsequently filed this Federal Tort Claims Act lawsuit and sought damages from the government predicated on the purported negligence of Meyer. There was proof that after the wreck O'Neal first self-medicated (because he lacked insurance) for two months for radiating neck pain.

O'Neal then saw his family physician and began a course of care to treat a C5-6 disc injury. That included facet injection treatments as well as several ablation procedures. His medical team has recommended a two-level fusion but O'Neal has so far demurred because he sings in a local

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Louisiana Jury Verdict Reporter*

Case Style \_\_\_\_\_

Jurisdiction \_\_\_\_\_ Case Number \_\_\_\_\_

Trial Judge \_\_\_\_\_ Date Verdict \_\_\_\_\_

Verdict \_\_\_\_\_

For plaintiff \_\_\_\_\_ (Name, City, Firm)

For defense \_\_\_\_\_ (Name, City, Firm)

Fact Summary \_\_\_\_\_

Injury/Damages \_\_\_\_\_

Submitted by: \_\_\_\_\_

\_\_\_\_\_

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Then in assessing the fault, it was assigned 80% to the defendant and the remainder to the plaintiff. Williams took medicals of \$26,741 and \$5,000 more for future care. The jury rejected his lost wages and those in the future.

Moving to the consideration of non-economic damages, Williams

took \$15,000 each for past suffering and mental anguish in separate categories. The jury rejected those claims for future damages as well as for loss of enjoyment of life and disability. The raw verdict totaled \$61,741 and included non-economic damages of \$30,000. The final judgment entered on 2-8-22 was for

\$49,392 less comparative fault.

Williams has since moved for JNOV relief. He has argued the award was abusively low and while the jury mostly accepted his medical bills, there was a very modest award for non-economic damages. At the time of this report Analytic Stress had not yet replied.