

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 plaintiff suffered a radiation burn to his hand (it was later amputated after an infection) and left flank during a lengthy vascular surgery to repair an endo-leak, his hand having been negligently placed in the fluoroscopic field – the jury found the defendant doctors violated the standard of care, but assessed 75% comparative fault to the plaintiff for failing to protect himself from further infection

Lyons v. LSU Health Services, 806141
Plaintiff: Walter C. Morrison, IV and Rachel M. Naquin, *Gainsburgh Benjamin David Meunier & Warshauer*, New Orleans

Defense: Peter J. Wanek and Elicia D. Ford, *Wanek Kirsch Davies*, New Orleans

Verdict: \$252,000 for plaintiff less 75% comparative fault

Parish: **Jefferson**

Judge: Nancy Miller

Date: 3-17-23

Walter Lyons, then age 66, underwent an interventional vascular surgery on 2-24-14 at West Jefferson Medical Center. The surgery (to repair an aortic endoleak in Lyons' stomach) was performed by vascular surgeons, Drs. Larry Hollier and Claudie Sheahan. Hollier and Sheahan (the defendants) were employees of the State of Louisiana as a part of the subdivision, LSU Health Services.

The surgery lasted three hours and for 89.1 minutes, the defendants utilized fluoroscopic guidance. There was proof that during that guidance, Lyons' left hand was within the

fluoroscopic field. The radiation also affected Lyons' left flank.

While the endoleak surgery was an apparent success, Lyons began to report itching and pain in his hand and left flank eight days later. It continued to get worse. Thereafter Lyons had numerous hand infections and surgical interventions. He was hospitalized in 2014 some four times for a total of 20 days. Lyons had a grueling course and endured 10 surgeries and 39 hyperbaric treatments as well as seven months of formal wound care. Ultimately a year later in March of 2015, he underwent a forearm amputation. Lyons now has a prosthesis. There was proof that Lyons suffered a progressive and painful injury.

Lyons sued LSU Health Services as the employer of the defendants and alleged they violated the standard of care in exposing him to the fluoroscopic field and thus causing the initial injury which transformed into an infection catastrophe and ultimate amputation. The theory was simple enough – Lyon's hand and left flank should not have been positioned within the fluoroscopic field and because of that error, Lyons suffered a severe radiation burn.

The plaintiff's experts were Dr. Michael Stecker, Interventional Radiology, Boston, MA and Dr. Mark Keldahl, Vascular Surgery, Chicago, IL. The economic damages were quantified by an expert, Randolph Rice, Baton Rouge. Lyons' wife (Kathleen) also presented a derivative consortium claim.

neurosurgeon, Dr. Bradley Bartholomew, Metairie. He performed trigger point injections and facet blocks. Bartholomew indicated that Alexander will need a future lumbar surgery. His medical bills were \$132,910.

Straughter had a similar course of care. It began with conservative treatment that included some 32 physical therapy visits. As his symptoms persisted he too was referred to Bartholomew. Straughter had stem cell injection therapy at L4-5, Bartholomew indicating he will need a surgical repair. His medical bills were \$201,641.

In this lawsuit both Straughter and Alexander sought damages from White and his employer. Trinity Systems is a Wilshire Insurance insured. As the litigation progressed a consent order was entered on liability for the plaintiffs. The jury would consider damages only.

Just a few weeks before the trial was to begin, the defendants moved for a continuance and to set aside the consent order on liability. They cited that they had just learned that the plaintiffs' phone numbers were in the phone of Cornelius Gorman who had been linked to the infamous "slammer" ring of fraudulent car wrecks. The plaintiffs replied that the allegations were vague and unsubstantiated. Moreover the defendants had four years to fully investigate the case and it was time to try the case.

While there was no written order on the defendant's motion to continue, it was apparently denied as the trial began as scheduled. The trial lasted three days.

The jury considered damages only due to the previous entry of the consent order on liability. Alexander

was awarded medicals of \$45,000, \$500,000 for future care and \$1.845 million more in general damages for a total of \$2,390,000. That represented \$225,000 for past suffering and \$1,000,000 more for in the future. Past loss of enjoyment of life was \$120,000 – that in the future was \$500,000.

Straughter prevailed too. His medicals were also \$45,000 and his future medicals were \$275,000. He took \$115,000 for past suffering and \$300,000 more for in the future. His loss of enjoyment of life in the past was \$50,000, while that in the future was \$200,000. The verdict for Straughter totaled \$985,000, \$665,000 of that sum representing general damages.

At the time of this report no judgment had been entered. Two other plaintiffs in this case (in the same vehicle as Straughter and Alexander) did not participate at trial according to the record. It is not clear if those parties settled their claims.

Premises Liability - The plaintiff, an elderly woman, suffered a cervical fracture during or after a fall at a Popeye's restaurant which left her a quadriplegic – she died four months later after a painful and debilitating decline – the plaintiff alleged her injury was sustained either by the condition of the premises, or alternatively, if she fainted and suffered the cervical injury, it was made worse when restaurant employees moved her and aggravated that injury – at a first trial in August of 2022, the plaintiff took damages of \$450,000 less 70% comparative fault – both parties moved for a new trial and the motions were granted – at this second trial in March of 2023, the jury rejected the plaintiff's case on liability

Reney v. Popeye's Louisiana Kitchen, 683934

Plaintiff: Gail N. McKay,
Baton Rouge

Defense: Darrin A. Patin, *Hailey McNamara*, Metairie for Popeye's Louisiana Kitchen

Rachel G. Webre and Morgan Druhan, *Gieger Laborde & Laperouse*, New Orleans for Aspen American (Excess insurer)

Verdict: Defense verdict on liability

Parish: **East Baton Rouge**

Judge: Wilson E. Fields

Date: 3-31-23

Pearl Reney, age 77, came to the Popeye's Louisiana Kitchen in Ville Platte on the afternoon of 12-19-18. The restaurant is a d/b/a of Shelton's Restaurants.

Reney visited Popeye's with her husband, Ernest. They'd been married for 55 years. Ernest first entered the restaurant and went to the bathroom.