

The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

June 2023

Statewide Jury Verdict Coverage

14 LaJVR 6

In This Issue

Livingston Parish

Auto Negligence - \$1,061,584 p. 1

Jefferson Parish

Powerboat Negligence - \$2,860,000 p. 2

Federal Court - New Orleans

Civil Rights - \$160,500 p. 5

Truck Negligence - Defense verdict p.

Lafayette Parish

Auto Negligence - Defense verdict p. 7

Natchitoches Parish

Truck Negligence - \$720,000/
\$70,302 p. 8

Auto Negligence - \$49,000,000 p. 11

St. Helena Parish

Truck Negligence - \$1,150 p. 9

Caddo Parish

Railway Negligence - \$180,000 p. 10

Civil Jury Verdicts

Timely coverage of civil jury verdicts in Louisiana including court, division, presiding judge, parties, case number, attorneys and results.

Auto Negligence - The plaintiff complained of persistent low-back pain after a right-of-way turning crash – by the time of trial she had undergone one RFA procedure and a second was scheduled – a Livingston jury found the defendant solely at fault and the verdict included \$500,000 in non-economic damages

Ubas v. Slayton et al, 169145

Plaintiff: Russell W. Beall, Jacob H. Thomas and G. Aaron Humphreys, *Beall & Theis*, Baton Rouge

Defense: Frank Romaguera, IV, *Comeaux Stephens & Grace*, Metairie

Verdict: \$1,061,584 for plaintiff

Parish: **Livingston**

Judge: Erika Sledge

Date: 4-20-23

Steven Slayton, a bathroom remodeling salesman, had attended a sales meeting on the evening of 1-30-20 at a Walker, LA restaurant. He worked for Southern Bath Solutions. As Slayton left the parking lot, he turned left across two lanes of traffic in an effort to reach a center turn lane. As Slayton did so, he struck a vehicle driven by Evelyn Ubas who was in the middle lane. Slayton would explain he was focused on the vehicle in front of him in the middle lane and failed to appreciate Ubas.

Ubas, then age 34, was injured in the collision. She initially treated with her chiropractor for soft-tissue neck pain. While the neck pain resolved, an MRI revealed a lumbar disc bulge that impinge on facet joints.

Ubas then began a course of pain management care. Three steroid

injections failed to provide relief. She did have success with a medial branch block. Ubas also reported improvement in her symptoms (at 80% for some seven months) from a radio-frequency ablation (RFA) procedure. There was proof at the time of trial that Ubas was in the process of scheduling another RFA. She has treated with Dr. Joseph Turnipseed, Pain Management, Baton Rouge.

In this lawsuit Ubas sought damages from Slayton and his employer. Their insurer is Zurich American. In developing how the case affected Ubas, she was described as an active mother to a blended family she shared with her husband. She was also very involved in hosting foreign exchange students. If Ubas prevailed she sought medicals, future medicals and sums for non-economic damages. The sum of her medical treatment so far was three years of chiropractic care, assorted pain management interventions and a single RFA.

Slayton initially contested liability and implicated the plaintiff's look-out. On the morning of trial the defense sought to stipulate liability. Ubas objected and the trial court denied the stipulation. The jury would decide fault. The defense also minimized the claimed injury.

This case was tried for four days in Livingston. The jury found Slayton solely at fault and rejected the imposition of comparative fault to Ubas. The jury made a separate finding that Ubas suffered damages because of the crash.

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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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award of damages.

Now turning to those damages, if the Dunphy plaintiff prevailed it sought damages in three categories. Dunphy's wife (Rachel) sought pecuniary loss, loss of consortium and mental anguish. The Prince

plaintiffs sought similar damages for Prince's widow (Melissa) as well as the consortium interest of his two children. An economic expert for Dunphy was John Theriot. The Prince economic expert was Kenneth Boudreaux.

There was evidence both men were beloved and devoted family men. Dunphy was building his dream home with Rachel and was described as a model stepfather. Prince too was a loving father and youth football coach. It was a devastating loss to

prosecution. However the verdict was for Reddoch on both assault and outrage. Finishing on the liability questions, the jury exonerated Hebert on retaliation, outrage and assault counts.

The jury then went to damages and against Reddoch only. It first answered “no” that the unreasonable arrest was just a technical violation and Holmes was not entitled to compensatory damages. It then awarded Holmes medicals of \$40,000 and \$3,500 in legal expenses. Holmes took \$50,000 for pain and suffering, the jury imposing \$65,000 more in punitive damages – the jury crossed out the \$150,000 from the first verdict. The total verdict for Holmes was \$160,500. At the time of this report there was no final judgment.

The defense has moved for a new trial. It argued the verdict was irreconcilably inconsistent in that the jury found the stop was reasonable, but that the arrest was not. Holmes replied that the defense had misrepresented the case and the jury did find the stop was unreasonable, only exonerating Reddoch on qualified immunity as to the stop. The motion is pending.

Auto Negligence - In a case where the plaintiff had a complicated history, notably a prior surgical recommendation and a significant wreck four days before this one and several more after it – while this Lafayette jury found the defendant at fault, it rejected the case on causation

Lewis v. Cox Communications et al,
20-4986

Plaintiff: Reed K. Ellis and Robert Brahan, Jr., *Broussard & David,*
Lafayette

Defense: Matthew C. Nodier and Daniel E. Brauner, *Nodier Law,* Baton Rouge

Verdict: Defense verdict on causation

Parish: **Lafayette**

Judge: Michelle Billeaud

Date: 4-28-23

It was 11-4-19 and John Artigue, who worked for Cox Communications, was looking for a house in Lafayette where he was to perform work. He traveled on Eucharist Road. Artigue passed the house and tried to turn around in a cul-de-sac at the end of Eucharist.

At the same time, Tammy Lewis, had been traveling behind Artigue on Eucharist. She was taking her son to a nearby elementary school which was on the cul-de-sac. As Artigue turned around in the cul-de-sac, he struck the Lewis vehicle. There were fact disputes as to whether it was a t-bone or sideswipe. In any event there was a crash.

Lewis felt immediate radiating pain into her legs and continued on to the ER. She later treated with Dr. David Muldowny, Orthopedics, who recommended both cervical and lumbar surgeries. There was proof from Muldowny that she would require future fusion surgeries

several years later.

In this lawsuit Lewis sought damages from Artigue and his employer. They are a National Union Fire Insurance insured. Her theory blamed him for turning into his path as he turned around in the cul-de-sac. Her incurred medicals were \$79,112 and she sought \$608,432 for future care.

The case was complex for Lewis. She had a prior lumbar fusion recommendation in 2009. Moreover just four days before this collision, Lewis was involved in an even more serious one. Thus it was difficult to distinguish which of her symptoms were related to that crash or this one. Lewis has since been in two more collisions.

This went to the heart of the defense. While Artigue contested liability, the defense looked to Lewis’ complicated history. Beyond that she noted that Muldowny had been unaware of the prior wreck when he made his recommendations.

The defense also relied on an IME, Dr. Neil Romero, Orthopedics, Lafayette. The expert agreed with Muldowny’s course of treatment and future surgical recommendations. However he explained there was no way to distinguish on causation, notably what had caused Lewis’ ongoing condition, i.e., the prior conditions, the earlier wreck or even the subsequent ones.

This case was tried for five days in Lafayette. Several hours into the deliberations, the jury had a question. Do we have to have nine votes to move on from the first question? Judge Billeaud answered “yes.” After 30 more minutes the jury asked to hear Artigue’s testimony. The court declined. The jury deliberated 30 more minutes (3 hours or so in total)