

The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

August 2023

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.

Truck Negligence - A rookie trucker made a wide-turn in his big rig and crashed into the plaintiff who was stopped waiting to exit a parking lot – the plaintiff, age 67, subsequently treated for an L-3 disc injury and a course of care that included a bilateral RFA procedure – tried on damages a Lake Charles jury awarded the plaintiff \$840,000 in general damages

Rolfe v. CRST Trucking, 2:19-720

Plaintiff: Scott D. Webre and Chad M. Ikerd, *Webre & Associates*, Lafayette

Defense: Michael J. Remondet, Jr., *Jeansonne & Remondet*, Lafayette

Verdict: \$1,260,000 for plaintiff

Federal: **Lake Charles**

Judge: James D. Cain, Jr.

Date: 6-14-23

Donald Rolfe, then age 67 and by trade an electrical foreman, was in a company pick-up on 5-27-18. He was stopped in a line of traffic that was waiting to exit a Wal-Mart parking lot in Sulphur, LA. At the same time, a rookie trucker, Justin Bachman (driving a big rig for CRST Expedited, a trucking firm) was turning into the Wal-Mart.

Bachman, who was just 21, had recently completed his classroom training. He had held a CDL for only 13 days. In fact he was on a training ride. His lead driver was asleep in the cab of the truck tractor.

Bachman cut the turn wide and collided with the front right corner of Rolfe's pick-up. It was a hard hit. Bachman's fault was not contested.

Rolfe has since treated for a L-3 disc injury. He has since undergone a

bilateral RFA procedure that provided him some relief. However he missed a significant period of work. There was proof that Rolfe, who hoped to retire at age 70 and then missed three of work, has now extended how long he intends to work by three more years.

In this lawsuit Rolfe targeted Bachman for negligently making the turn. He also sued CRST directly on a negligently training claim that blamed the trucking firm for putting a novice driver on the road without adequate supervision. The jury could apportion fault between those two defendants. His truck safety expert was Scott Turner, Naples, FL.

Rolfe built his case for damages through a team of experts. They included Dr. Eric Graham, Orthopedics, Gulfport, MS and Dr. Kelly Coleman, Pain Management. An economist, Randolph Rice, quantified future medicals and lost wages. Another physician, Dr. Ralph Katz, Orthopedics (he did a worker's compensation IME) also testified.

The defense of the case minimized the claimed injury. It focused that Rolfe had a long history of injury events. That included a 2005 fall into a pool that resulted in multiple fractures, a 2010 fall from a roof, a 2015 slip and fall at work and a history of treating for low-back pain in 2017.

This was all echoed by a defense IME, Dr. James Butler, Orthopedics, Slidell. Butler noted the prior injury events and believed any residual symptoms that Rolfe might be

the time of the collision (irrespective of what drugs were in his system) with an expert, William George, Toxicology, New Orleans, LA.

The jury in this case deliberated two hours. It answered that Williams had proven he was injured to a legal certainty and by reasonable preponderance of the evidence. The jury then moved to damages. Williams took medicals of \$100,000 and \$150,000 more for future care.

Then moving to non-economic damages, Williams was awarded \$90,000 for past suffering and \$45,000 for in the future. His mental anguish was \$60,000 and loss of enjoyment of life totaled \$50,000. In a final category associated with the mental anguish with watching Alexander die, Williams was awarded \$50,000. This compensatory damages were \$545,000 and of that sum, \$295,000 were general damages.

The jury then considered "exemplary" damages. It answered that Alexander's conduct was wanton or reckless because of his intoxication. The jury assessed \$105,000 more in exemplary damages. The verdict totaled \$650,000 and a consistent judgment was entered. Roussel Farms has since appealed and the several apparent issues include, (1) the propriety of bystander death damages for a stranger, and (2) imposing punitive damages for Alexander's purported intoxication.

During the trial a juror (Tierre Robertson) was selected for the case and sat for a day. He absconded after the first day and did not return. Judge Fiffie issued a bench warrant for Robertson and set a time for a contempt hearing. The record does not reflect if there was hearing or how the court resolved the matter.

Auto Negligence - The plaintiff complained of a post-concussive syndrome after a collision with a sales manager for a paint company – while the plaintiff prevailed and took damages (\$25,000 of the non-economic variety), it was far less than the plaintiff had claimed

Leininger v. Sherman-Williams, 20-141
Plaintiff: Alicia M. Bendana, Jennifer E. Barriere and Lorin R. Scott, *Lugenbuhl Wheaton Peck Rankin & Hubbard*, New Orleans
Defense: Richard P. Sulzer and Robert E. Williams, IV, *Sulzer & Williams*, Covington, Scott R. Hunsaker, *Tucker & Ellis*, St. Louis, MO and Steven E. Holden, *Holden Litigation*, Dallas, TX
Verdict: \$72,018 for plaintiff
Parish: **Orleans**
Judge: Paulette R. Irons
Date: 5-18-23

Michelle Leininger, then age 52, was working as a CNA on 1-9-19. She was driving a Toyota sedan on Carrollton Avenue near Hampson Street. She was taking an elderly client down to the Mississippi to watch river traffic. At this intersection she was involved in a collision with Brittanie Kearney. Kearney was then working as a sale manager for Sherwin Williams and was driving a sedan. Sherwin Williams is Chubb insured.

It was a moderate impact. Sherwin Williams admitted fault. While the airbags did not deploy, Leininger struck head on

the side window. She was immediately nauseous. Leininger went to the ER and reported that she was dizzy.

Leininger has since treated for a post-concussive syndrome. She has dizziness, migraines, blurry vision, impaired concentration and irritability. There was proof she has treated her symptoms with Botox. Leininger has also complained of soft-tissue whiplash.

Leininger relied on two experts. The first was David Barczyk, a chiropractor who also has expertise in biomechanics. He discussed the forces of the wreck. A second expert, Dr. Troy Beaucoudray, Neurology, Metairie, discussed the post-concussive injury. Leininger's medical bills were \$98,026 and she complained some \$200,000 for future care.

In this lawsuit Leininger sought damages from Kearney and her

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CIVIL
DISTRICT COURT

General Damages

Past pain and suffering: \$ 10,000.00

Future pain and suffering: \$ 0

Past Mental Anguish and Distress: \$ 15,000.00

Loss of Enjoyment of Life: \$ 0

Total Amount of Special Damages and General Damages: \$ 72,018.97

ONCE YOU HAVE COMPLETED THESE INTERROGATORIES, THE FOREPERSON SHOULD SIGN AND DATE THIS FORM AND ADVISE THE BAILIFF THAT YOU ARE READY TO RETURN TO THE COURTROOM.

FOREPERSON: *P. Jackson*

DATE: May 19, 2023

The Leininger Verdict Form on Damages