

# The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

September 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 - Three plaintiffs were pedestrians on I-49 in Shreveport after their driver spun out on black ice – they were uninjured but stuck in the mud – some minutes later as the pedestrians were collecting their belongings (they were going to walk to a gas station) they were struck by a jack-knifing tractor-trailer that lost control on the same black ice – the plaintiffs were all injured (two very seriously) and sought damages from the trucker – he defended that the black ice was an Act of God for which his negligence should have been excused**

*Licona v. Star Carriers et al*, 618129

Plaintiff: J. Kyle McCotter, William L. Stroud and Caitlyn Cline, Bossier City

Defense: Jack E. "Bobby" Truitt and Lauren A. Duncan, *The Truitt Law Firm*, Covington

Verdict: \$2,348,814 for plaintiffs as follows: Rivera - \$1,001,074  
Licona - \$996,832  
Flores - \$350,080

Parish: **Caddo**

Judge: Michael A. Pitman

Date: 2-10-23

Humberto Martinez drove a vehicle early on the morning of 2-9-19 on I-49 in Shreveport. He was on the so-called West Bert Kouns overpass. Black ice had formed on the overpass that morning. Martinez had three passengers, Ada Licona, Rosa Rivera and Salvador Flores. They were returning home from work in their jobs in asbestos removal. None of the four were U.S.

citizens and did not have lawful status in the country.

Martinez struck the black ice and spun out off the road. His vehicle was facing the wrong way and was stuck in the mud in a grassy area between I-49N and an I-49N ramp. The four in the vehicle all got out and were preparing to walk to a nearby gas station. They were collecting their belongings from the vehicle.

Not five minutes had passed when a trucker, Salal Dahir, approached on the overpass. He was driving a tractor-trailer for Star Carriers. Star Carriers is insured by American Transportation Group Risk Retention. Dahir lost control on the black ice and his truck began to jack-knife. It ran off the interstate and struck the Martinez vehicle (pushing it 20 feet) and into Licona, Rivera and Flores (hereinafter the plaintiffs).

All three plaintiffs were injured with two suffering very serious injuries. The least seriously hurt, Flores, suffered a tear in his shoulder and a lumbar fracture.

Licona had a very complex arm fracture. It was described as oblique (angled) and displaced. She underwent a complex repair that included the placement of screws and plates. Licona also had a very complex lower leg (tibia) fracture and she couldn't walk for months. Licona additionally had a broken nose, facial fractures, broken ribs and a liver laceration.

The third plaintiff, Rosa, suffered a lower leg (tibial shaft and ankle) fracture. She underwent a complex surgical repair. There was proof each