

The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

June 2022

Statewide Jury Verdict Coverage

13 LaJVR 6

In This Issue

St. Charles Parish

Truck Negligence - \$12,468,784 p. 1

Federal Court - New Orleans

Truck Negligence - \$920,000, \$125,000
and \$118,000 p. 2

Bossier Parish

Medical Malpractice - \$2,030,000 p. 3

Orleans Parish

Negligent Security - \$350,000 p. 4

St. Bernard Parish

Medical Malpractice - Defense
verdict p. 5

Jefferson Parish

Truck Negligence - Defense verdict p. 6

Notable Mississippi Verdict

Federal Court - Jackson

Truck Negligence - \$632,956 p. 6

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 trucker (with narcotic prescription medications and cocaine in his system) sideswiped the plaintiff who was stopped at a red light – there was proof the plaintiff (she’s young, active and healthy) will require an L5-S1 surgery in the years to come – a jury in St. Charles Parish awarded the plaintiff \$2,000,000 in non-economic damages and \$10,000,000 more in punitives

Landry v. CEVA Logistics, 81003

Plaintiff: Przemek Lubecki and Terry B. Loup, *Morris Bart*, New Orleans

Defense: Raymond C. Lewis, *Deutsch Kerrigan*, New Orleans for CEVA Logistics

Rachel G. Webre, *Gieger Laborde & Laperouse*, New Orleans for Rodney

Verdict: \$12,468,784 for plaintiff

Parish: **St. Charles**

Judge: Connie M. Aucoin

Date: 3-24-22

Kristyn Landry, then age 27, was stopped at a red light on 3-17-15 on U.S. 90. Jeremiah Rodney approached the scene in a tractor-trailer. He was working for CEVA Logistics. There was proof Rodney was under the influence of prescription medications including Xanax. He’d also used cocaine two nights earlier and cocaine metabolites were still in his system.

Rodney lost control of his truck. He sideswiped the stopped Landry. Rodney then struck a second vehicle driven by Elizabeth Johnson before veering into yet a third vehicle operated by Rebecca Matherne. Both

Johnson and Matherne pursued and then settled personal injury claims against Rodney and CEVA Logistics. This case would concern Landry’s personal injury claim.

While there was no injury at the scene, Landry went home and her mother later drove her to the ER. Landry has since treated for low-back pain. That treatment included a course of 38 physical therapy sessions.

The then-treating Dr. Keith Melancon, Orthopedics (since deceased) identified both a cervical disc injury and an L5-S1 disc injury. Melancon also indicated that as Landry ages (likely by the time she is 50), she’ll require surgical repairs at both levels. These theories were echoed by her subsequent treating orthopedist, Dr. Samir Shamieh.

Landry remains active and is sometimes a Zumba dance instructor. However she continues to report ongoing pain. Her medical bills were \$18,784 and she sought additional sums for future care. Her forensic economist was Shael Wolfson. She could also take general damages in one of two categories: (1) pain and suffering, and (2) loss of enjoyment of life.

Landry also sought to impose punitive damages against both Rodney and CEVA Logistics. The case was simple enough against Rodney – he had drugs (both legal and illicit) in his system at the time of the crash. The plaintiff’s toxicology expert was William George, New Orleans. Landry also alleged CEVA Logistics

contributed to or could have prevented Landry's intoxicated driving.

The defendants initially moved for summary judgment. The then-presiding Judge Emile St. Pierre granted summary judgment on the claim for punitive damages against CEVA Logistics. St. Pierre held that punitives are to blame the offender and "none other." Landry appealed. The Fifth Circuit reversed in December of 2019 and wrote that there were fact disputes as to CEVA Logistics' role.

CEVA Logistics and Rodney defended the case and first diminished the claimed injury. That included noting there was no initial injury and that Landry has only suffered relatively minor symptoms. The defense IME was Dr. Everett Robert, Orthopedics who diminished the claimed injury.

The defendants also contested the imposition of punitive damages. Rodney particularly explained that the Xanax was legally prescribed – he also thought the cocaine issue was a red herring. He'd used cocaine the Sunday before this Tuesday crash and was not intoxicated at the time. CEVA Logistics also distanced itself from Rodney's admittedly reprehensible conduct.

While the defendants (Rodney and CEVA Logistics) were generally aligned in their defense of the case (although they contested the imposition of punitive damages on somewhat different grounds), they did have separate lawyers. Lewis represented CEVA Logistics while Rodney's attorney was Webre.

This case was tried for four days. The jury answered for Landry that the defendant was more "probably than not" at fault and that this fault

was a "legal cause" of the claimed injuries. Landry then took medicals of \$18,784 plus \$450,000 more for future care.

The jury continued and awarded Landry \$1,000,000 each for both pain and suffering and loss of enjoyment of life. The jury then made two key findings related to exemplary damages. The first was that Rodney had acted wantonly or recklessly. The second finding implicated CEVA Logistics, the jury answering that it contributed to or could have prevented Rodney's intoxicated or impaired driving.

Thus the jury would reach punitives against both Rodney and CEVA Logistics. It awarded the plaintiff \$10,000,000 for this element of damages. The verdict for Landry totaled \$12,468,784. A consistent judgment has since been entered. The parties also dismissed National Union Insurance (CEVA Logistics' insurer) by agreement because it had already paid its \$2,000,000 policy limits to the other two drivers (Johnson and Matherne) struck by Rodney in this crash.

The defendants have since filed three JNOV motions. The first challenged that the general damages were excessive and cited that the wreck was minor and Landry's injuries were relatively modest. In fact Landry had described her discomfort as akin to "background noise."

The second JNOV motion challenged the punitive damages. It was argued they were excessive and unconstitutional. Moreover the drugs in Rodney's system were prescribed and the cocaine was from a few days before – thus he wasn't unlawfully impaired.

The final JNOV motion (filed by

CEVA Logistics alone) contested the finding that it was responsible for Rodney's intoxication. This defendant argued that the company didn't know of his use of drugs nor could it have known. All three motions were pending at the time of this report.

Truck Negligence - Three plaintiffs were injured (one more seriously than the other two and requiring a cervical fusion) in a tractor-trailer lane incursion collision – while the defense had been prepared to offer proof from an expert that the accident was most likely staged, the trial court excluded that evidence

Stubbs et al v. Lovern & Lovern

Trucking, 2:18-8881

Plaintiff: Vanessa Motta, *Motta Law*, New Orleans

Defense: Andre C. Gaudin and Joseph J. Valencino, III, *Burglass & Tankersley*, Metairie

Verdict: \$920,000 for Stubbs
\$125,000 for Bahan
\$118,000 for Turner

Federal: **New Orleans**

Judge: Jay C. Zainey

Date: 5-26-22

There was a lane incursion crash in New Orleans on 9-27-17 on I-10 near the Elysian Fields exit that involved a tractor-trailer. Terry Baham traveled in the center lane in a Ford F-250 pick-up truck. Baham's passengers were Yalonda Stubbs and Stephen Turner.

Next to the Baham vehicle in traffic was Timmy Moore. He was driving a tractor-trailer for Lovern & Lovern Trucking. They are a National Fire & Marine Insurance insured. Moore suddenly changed lanes and struck the Baham vehicle. The occupants (Baham, Stubbs and Turner) would recall it was a violent jolt. For Moore's

part he didn't even feel the impact and there was virtually no vehicle damage. In any event Moore was cited at the scene for the unsafe lane change and later pled guilty.

All three occupants of the vehicle have since claimed injuries. Stubbs was hurt most seriously and later underwent a cervical fusion surgery. Her medical proof came from a combination of Dr. Eric Lonseth, Pain Management and Dr. Peter Liechty, Orthopedics – Liechty performed the surgery. There was proof Stubbs will require a significant course of future care. Turner and Baham also received pain management care from Lonseth.

In this lawsuit the three plaintiffs (Stubbs, Turner and Baham) sought damages from Moore and his employer. Their case was simple enough – Moore changed lanes, there was a hard hit and they all sustained injuries. Each plaintiff sought a combination of medicals, future medicals and assorted non-economic damages in several categories.

The heart of the defense, at least initially, was that this was a staged crash. An expert, Wayne Winkler, Accident Reconstruction, was prepared to testify the crash had all the indicia of a "staged" or intentional crash. However this defense was neutered as the court excluded Winkler's opinion on the ground that it was improper for him to testify as to the plaintiffs' frame of mind. Thus the defendants replied in a classic truck case defense that it was an extremely minor impact that did not result in a compensable injury.

This case was tried for four days. As the jury deliberated the case it had a question for Judge Zainey. Can we get copies of the breakdown of the funds that each plaintiff is asking

for? The court answered that the jury must rely on the testimony.

The jury answered that Moore's negligence was a "cause or contributed" to each of the plaintiff's injuries. Baham took medicals of \$40,000 and \$85,000 for past suffering. His future care, future suffering, mental anguish and loss of ability to enjoy life were rejected. Baham's verdict totaled \$125,000.

Similarly Turner took medicals of \$18,000, but nothing for future care. His pain and suffering was \$20,000 and he took \$80,000 more for mental anguish. His future non-economic damages were rejected. Turner was awarded a total of \$118,000.

The third plaintiff, Stubbs, took \$320,000 in medicals plus \$160,000 more for future care. Her past suffering was \$160,000 – that in the future was \$80,000. Her past mental anguish was \$100,000 – that in the future was half that sum. Disability was rejected but Stubbs took \$50,000 for loss of ability to enjoy life.

The verdict for Stubbs totaled \$920,000. That sum included \$440,000 in non-economic damages which was 1.375 the awarded medical bills. A consistent judgment was entered for each of the plaintiffs.

The defense has since moved for post-trial relief regarding Stubbs' verdict. The defense particularly challenged the future medicals as unsupported by a life care plan expert or an economist. Stubbs replied that her medical providers (Liechty and Lonseth) testified as to her future care and in fact, she put on proof of \$216,037 for future medicals. She was only awarded \$160,000. The motion was pending at the time of this report.

Medical Malpractice - The plaintiff presented to a hospital with signs of an apparent neurological injury – after a first visit she was sent home despite evidence her condition had worsened – then when she returned to the hospital the next day, a trio of physicians were blamed for failing to appreciate the developing neurological condition – the plaintiff was dead days later of a catastrophic brain injury

Marston v. Willis Knighton Bossier, 155500

Plaintiff: William F. Kendig, *Rice & Kendig*, Shreveport and Susan E. Hamm, Shreveport

Defense: Robert W. Robison, Jr., *Watson Blanche Watson & Posner*, Baton Rouge for Willis Knighton Bossier (WKB)

Chris J. LeBlanc, (also *Watson Blanche*) separately for Drs. Smith, Wheat & St. Pedro

Verdict: \$2,030,000 for plaintiff against WKB; Defense verdict for doctors

Parish: **Bossier**

Judge: R. Lane Pittard

Date: 5-27-22

Eundrea Marston, age 23 and a young mother, reported to the ER at Willis Knighton Bossier Hospital (WKB) on the evening of 12-26-14. She had a severe headache and nausea. Marston was treated by an ER doctor, Jeannie McCarthy. Marston improved over several hours and McCarthy scheduled Marston for discharge just before midnight.

However by the time Marston was to leave (she had driven herself to the hospital), she could no longer drive. In fact she was unsteady on her feet and appeared intoxicated. Her boyfriend advised hospital staff of her changed condition. The discharge continued and hospital staff did not

contact an ER doctor to describe her changed status. Marston returned home.

Marston had a seizure the next day and returned to WKB within 16 hours of her first visit. She came under the care of three doctors, Brandon Smith, ER, Sarah Wheat, Internist and Gerardo St. Pedro, Critical Care. A CT scan was ordered. There was evidence it was suggestive of a ventriculomegaly condition – this is characterized by the ventricles in the brain being enlarged. Thereafter Marston had a more significant seizure and suffered a serious brain injury. She died four days later. Her death was linked to a cerebral infarction.

The plaintiff in this lawsuit linked the death to a combination of errors by the hospital (on the first ER visit) and then by the three doctors described above on the second visit. The malpractice at the hospital was that before her discharge when Marston's condition changed, hospital nurses did not apprise the ER doctor. The theory continued that with a prompt intervention, the burgeoning neurological emergency could have been averted.

Then turning to the return visit the next day and after the ventriculomegaly was identified, the plaintiff alleged Marston needed an immediate neurological consult. The plaintiff's theory was that had the defendants done this (either Smith, Wheat or St. Pedro), a relatively simple procedure could have been performed to relieve the ventricle pressure in her brain and the fatal result would have been avoided. The plaintiff's experts were Dr. Robert Rogers, ER, Dr. Michael Zgoda, Internist/Critical Care, and Dr. Paul Kaloustian, Neurosurgery. An

economist for the plaintiff was Robert Eisenstadt.

If the plaintiff prevailed against any of the defendants (or any combination thereof), it sought Marston's medical and funeral expenses. It also sought sums for Marston's pain and suffering. Finally her minor daughter (Laila) could be awarded damages in two categories: (1) loss of financial support from her mother (Marston had a cosmetology license), and (2) the loss of her mother's consortium.

This case was originally submitted to a Medical Review Panel. The panel opinion was for the defendants. The panel was comprised of Drs. Walter Bounds, Robert Holladay and Thomas Arnold.

The defense of the case focused on four themes. They were:

- (1) a neurology consult was not needed,
- (2) the CT was normal,
- (3) ventriculomegaly is not an emergency, and
- (4) in any event, the die was cast as Marston had already sustained a catastrophic cerebral infarction and there was nothing that could have been done.

On this last defense point there was some distance between the two sets of defendants (1) WKB on the first visit, and (2) the three doctors on the second as the neurological event could have occurred near in time to the first hospital visit as opposed to after Marston's return to the hospital. The plaintiff's primary theory was the brain injury occurred after the MRI and the ventriculomegaly was identified.

The jury in this case returned a mixed verdict. It found the hospital had breached the standard of care and that breach led to Marston's

death. The jury rejected the claim against the three physicians and thus that fault was apportioned solely to the hospital.

The jury moved to damages. The plaintiff took \$30,000 for the medical and funeral expense. Marston's pain and suffering was rejected. Her daughter took \$1,000,000 for her consortium interest (loss of love and affection, grief, and anguish) and \$1,000,000 more for loss of financial support. The verdict against the hospital totaled \$2.03 million. At the time of this report no judgment had been entered but presumably it will be for the doctors who had prevailed and against the hospital consistent with the statutory limits.

Negligent Security - The plaintiff used a bathroom at a Bourbon Street bar without making a purchase and despite an admonition from a bartender to not do so – when the plaintiff exited the bathroom he alleged the bartender attacked him, striking him in the head and then stomping on his head when he fell – the plaintiff suffered a significant facial fracture

McCann v. Mango Mango Daiquiris, 16-11997

Plaintiff: Przemek Lubecki and Jordan Lieberman, *Morris Bart*, New Orleans

Defense: David J. Halpern, Sean T. McLaughlin and Zoe W. Vermeulen, *Kean Miller*, New Orleans

Verdict: \$350,000 for plaintiff assessed 60% to Mango Mango Daiquiris

Parish: **Orleans**

Judge: Robin M. Giarrusso

Date: 3-9-22

Austin McCann was a tourist in New Orleans on 3-11-16 and fatefully

walked into the Mango Mango Daiquiris bar on 400 Bourbon Street. It is a d/b/a of Bourbon Saloon. McCann's friend went to order drinks and food. McCann went straight to the bathroom.

Before McCann did so he was confronted by a Mango Mango Daiquiris bartender, Jahmaal Coston. Coston told him not to use the bathroom unless he made a purchase. McCann ignored the order.

There was a confrontation moments later when McCann came out of the bathroom. McCann postured that he was attacked by Coston. He was struck in the head and then when McCann fell, Coston stomped on his head.

This was the first version. Coston recalled that an angry, belligerent and drunk McCann wouldn't leave the bar and used a racial slur. Then when McCann squared up to fight, Coston obliged. McCann thought the beating was completely unprovoked.

Whether it was an unprovoked attack or a beating that McCann perhaps had coming or somewhere inbetween, McCann took the worst of it. He suffered a significant depressed orbital fracture. It was repaired in a complex surgery. McCann continues to have loss of nerve function in his face. His medicals (some \$65,000) were not sought at trial.

McCann sued Mango Mango Daiquiris and alleged it was a dangerous environment with poorly trained staff where altercations with customers were common. He also targeted Coston individually. The only claimed damages were general damages.

Mango Mango Daiquiris denied fault and pointed to Coston's version that McCann had initiated the

confrontation and in fact, made it worse. McCann thought this was absurd and noted that Coston pled no contest to assault charges that arose from these events. Mango Mango Daiquiris further defended that in any event, assault or not, Coston was not acting within the scope of his employment in attacking McCann.

This case was tried for three days in New Orleans. The jury found that Coston made physical contact with McCann without consent. It further found Coston both acted within the scope of his employment and that the defendant negligently trained and supervised Coston.

The jury also found McCann at fault. That fault was assessed 20% each to McCann and Coston, and the remainder to Mango Mango Daiquiris. McCann then took general damages of \$350,000. A consistent judgment was entered by the court, \$210,000 to the bar and the remainder to the pro se Coston.

Mango Mango Daiquiris has since moved for JNOV relief on several grounds. The first was to characterize McCann as drunk and belligerent – thus as a mutual combatant, who could not now claim to have failed to consent to the assault. The bar also thought the damages were excessive for such a minor injury.

McCann replied and cited his version that the bar was like the Wild Wild West and that altercations were common by the poorly trained staff. He also found it incredulous that Mango Mango Daiquiris would suggest his injuries were minor – his face was pulverized and he underwent a complex and difficult surgery. The motion was pending at the time of this report.

Medical Malpractice - An ER doctor was blamed for missing an aortic dissection – the plaintiff was dead hours after leaving the hospital

Napoleon v. Curran, 19-1015

Plaintiff: Kara Hadican Samuels and Tiffany A. Morales, *Kara Samuels and Associates*, New Orleans and Eric A. Wright and Daryl A. Gray, *Wright & Gray*, New Orleans

Defense: Peter E. Sperling and John B. Cazale, *Frilot, LLC*, New Orleans

Verdict: Defense verdict on liability

Parish: **St. Bernard**

Judge: Eric A. Bopp

Date: 4-7-22

Eva Napoleon, then age 46, the mother of seven and working as a hospice nurse, presented to the ER at St. Bernard Parish Hospital at 10:26 on the evening of 9-19-16. She reported intense pain in her upper back. It was sudden onset.

Napoleon was seen at 10:53 p.m. by an ER doctor, William Curran. He diagnosed Napoleon with a back strain and infection. She was told to follow up with her family doctor in three days. Napoleon was discharged at 1:21 a.m. as stable. Napoleon was dead five hours later at 6:28 a.m. The cause of death was a large 1.4 cm aortic dissection.

The plaintiff sued Curran and alleged error by him in failing to make the diagnosis. It was alleged he took an inadequate history (Napoleon had a family history of aortic disease) and failed to take imaging or otherwise get a cardiology consult. This led to the dissection not being discovered.

The case was submitted to a Medical Review Panel. The panel was mixed. Two members (Drs. Erik Sundell and Mark Haile) believed that Curran met the standard of care. The diagnosis was described as a challenging one

and Napoleon's symptoms were atypical. Moreover at the time of the discharge, Napoleon was stable.

The third member of the panel, Dr. William Troxler, believed Curran was to blame. Troxler suggested Curran should have considered an aortic dissection and engaged both radiological imaging and a consult with a cardiologist. The plaintiff argued the failure to take these steps led either to Napoleon's death and/or to her loss of a chance to survive. The claimed damages on the death claim were Napoleon's pain and suffering and mental anguish as well as the loss of consortium interests of her children. The jury could separately make a lump sum award of damages if the plaintiff prevailed on loss of chance.

The plaintiff had pursued a claim against the hospital at the outset. The Medical Review Panel exonerated the hospital fully and the plaintiff did not further advance that claim.

This case was heard by a Chalmette jury for four days. It had questions as it deliberated. They wanted to know if radiology had been ordered. Then in a second question it asked the court to "please confirm" no radiology was done. The court would not answer.

The jury then returned a verdict finding that Curran had not violated the standard of care. That ended the deliberations and the jury then did not reach either the death claim or the loss of chance to survive count. A defense judgment was entered.

The plaintiff has moved for JNOV relief and argued the jury was clearly confused as evidenced by the jury's two questions in deliberations about radiology. This confusion was especially apparent as there was no question in the case that radiology

was neither ordered nor performed. This in turn led the jury to consider (without any basis) that the hospital was to blame. The motion is pending.

Truck Negligence - The plaintiff stopped to let a co-worker out of his car and then a trucker passed the vehicle and struck the car's open door while the plaintiff was still in the car – the jury rejected the case on liability

Bailey v. Peen Trucking, 805017

Plaintiff: C. Roderick Harrison and Gerald J. Hampton, Jr., *Harrison & Hampton*, New Orleans

Defense: Megan B. Jacqmin and Guy D. Perrier, *Perrier & Lacoste*, New Orleans

Verdict: Defense verdict on liability

Parish: **Jefferson**

Judge: June B. Darensburg

Date: 5-18-22

Keandre Bailey, then age 24, worked at the Boasso Plant. He traveled on 5-16-19 near the plant on Port Authority Road in St. Bernard Parish. A co-worker (Ulysses Duplessis) was a passenger. Duplessis saw another Boasso employee who had his debit card. That person was across the street.

Bailey came to a stop in the center of the road at a red light. Duplessis got out of the car and left the passenger door open. At the same time, Jerome Paul was driving a tractor-trailer for Peen Trucking. He was headed to the Boasso plant.

Paul appreciated that the Bailey vehicle was stopped. He attempted to pass on the right as the light turned green. As Paul did so he struck the vehicle's open door. Bailey was still in the driver seat of the car. He was jostled by the collision.

While there was no injury at the

scene, Bailey has since treated for soft-tissue symptoms including chiropractic and pain management care. In this lawsuit he sought damages from Peen Trucking. It is a Bay Insurance insured. Paul denied fault in making the pass – he also diminished the claimed damages.

This case was tried for three days in Gretna. The jury's verdict was for Peen Trucking on liability and thus the jury didn't reach the plaintiff's duties, apportionment or damages. A defense judgment was entered.

A Notable Mississippi Verdict

Truck Negligence - An elderly woman was involved in a minor sideswipe fender bender on I-55 – then as she was trying to move her vehicle to the emergency lane, but was struggling because of heavy traffic, a trucker struck her vehicle and she was killed – in this lawsuit the woman's three adult sons sued the trucker and blamed him for failing to keep a proper look-out –
Crechale v. Carroll Fulmer Logistics, 3:19-617

Plaintiff: Michael Saltaformaggio and Mack A. Reeves, *Maggio Thompson*, Jackson, MS, Robert G. Barlow, *Barlow Law Firm*, Flowood, MS and

J. Ashley Ogden, *Ogden & Associates*, Jackson, MS

Defense: James R. Moore, Jr. and C. Landon Kidd, *Copeland Cook Taylor & Bush*, Ridgeland, MS

Verdict: \$632,956 for plaintiffs less 60% comparative fault

Federal: **Jackson, Mississippi**

Judge: Henry T. Wingate

Date: 5-20-22

There was a tragic and catastrophic

car versus truck crash near Jackson, MS on noon at 8-26-19. It occurred on northbound I-55 in a part of the road referred to locally as "The Stack." The plaintiff, Carolyn Crechale, age 85, was driving a Cadillac sedan when she became involved in a sideswipe fender-bender with another vehicle.

Crechale remained in the traveled portion of the highway. She had her flashers on. Crechale had difficulty merging off the traveled portion of the interstate because of heavy traffic. She was able to make a call to one of her three sons (Michael) and was explaining to him that cars were coming too fast and wouldn't let her over.

At the same time a trucker (David Brooks) for Carroll Fulmer Logistics was approaching. There was proof he was speeding at 65 mph. Brooks could not evade Crechale's vehicle and crashed into it. The impact destroyed her car. Brooks' truck veered into a guardrail, ran over that and then descended an embankment.

An ambulance was called to the scene and Crechale was taken to the ER at University of Mississippi Medical Center. She was dead on arrival from crash-related trauma.

In this lawsuit (filed in Rankin County and then removed to federal court by the defense), the estate alleged negligence by Brooks (and then vicariously by his employer, Carroll Fulmer Logistics) in rear-ending Crechale. An accident expert, Tim Corbitt, Jackson, believed Brooks had time to react and avoid the collision but for his speed and failure to keep a look-out. The entire crash was captured on a dashcam in Brooks' truck. Brooks for his part defended that he didn't have time to react and he also implicated the decedent for blocking the traveled portion of the highway.

The plaintiffs were Crechale's

three adult sons, Michael, Phillip and Kenneth. The claimed damages were Crechale's medical bills and funeral expense. Each of the sons also sought sums for their consortium interests.

The plaintiffs had sought sums for Crechale's pain and suffering. However the court granted a summary judgment for the defense on this question as per several bystanders who responded immediately to the crash and observed that Crechale was never conscious after the impact.

There was an interesting aside as the brothers were somewhat estranged. Each pursued the case with their own attorney although for purposes of trial, the case was presented with a unified front. In fact they were so estranged that a will contest developed regarding Crechale's estate and this led to litigation in Hinds Chancery Court. This issue ended up being irrelevant as upon the plaintiff's motion in limine, any evidence regarding the will contest was excluded from the present trial, the court finding any fraternal acrimony was unrelated to the loss of their mother's love and companionship.

The court entered a pre-trial order in advance of the trial. That order is a sealed court secret.

This case was tried for several days. The court's liability interrogatory was unusual. It first asked if the trucker (Brooks) was negligent. The jury answered yes.

The instructions then asked the jury to "tell us" in what ways (the jury could select from the following four) Brooks was negligent: he failed to (1) keep a look-out, (2) maintain a safe distance, (3) keep his rig under control, and (4) drive at a reasonable speed. The jury could select all that applied. As it turned out the jury just "checked" the first option regarding a look-out.

The jury went on to find the decedent at fault as well. Fault was assessed 60% to Crechale and the remainder to the trucker.

Finally the jury moved to damages. The estate took \$13,748 for the funeral expense and \$19,208 more for Crechale's medical bills. Each of her three sons was awarded \$200,000 for their consortium interest which was defined as the loss of love, society and companionship. The raw verdict totaled \$632,956. The court entered a consistent judgment less comparative fault and particularly, each of the sons took a third of the special damages and \$80,000 in non-economic damages.

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