

The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

November 2024

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/
Administrative Negligence - In
this unusual hybrid Med
Mal/Negligence/Fraud case, the
plaintiff represented an almost
centenarian who alleged a global
pattern of nursing home neglect –
the case proceeded against the
nursing home on malpractice as
well as fraud in representing it
could properly care for the plaintiff,
as well as a separate “administrative
negligence” count as a management
company (not covered by the Med
Mal Act) that operated the nursing
home**

Davidson v. Heritage Manor West et al,
626044

Plaintiff: Matthew M. Coman and
Stephen M. Garcia, *Garcia &
Artigliere*, New Orleans

Defense: Ronald E. Raney and
Patrick W. Woolbert, *Lunn Irion*,
Shreveport

Verdict: \$3,580,289 for plaintiff on
wrongful death, survival claim,
administrative negligence and fraud

Parish: **Caddo**

Judge: Brady D. O’Callaghan

Date: 8-23-24

The elderly Raymond Davidson became a resident in February of 2016 at a Shreveport area nursing home, Heritage Manor West. It was operated on a management contract by a separate company known as Pathways Management. Davidson had multiple co-morbidities that complicated his care and treatment.

Davidson, then age 99, was in poor condition on 3-3-20 and was taken to a local hospital. He had pressure

wounds and decubitus ulcers on his buttocks, groin and sacral area. There were also weight loss, nutrition and hydration issues. His blood levels were also low and her underwent a blood transfusion. There were also proof he had multiple falls and in one, he broke his hip.

Davidson was returned to the nursing home before again going back to the hospital on 3-30-20. He would not return to Heritage Manor. Davidson died on 5-20-20 and was survived by an adult daughter, Bonnie Bennett.

The plaintiff in this case presented unique and unusual hybrid claims. The first was simple enough. The plaintiff (representing Bennett as Davidson’s heir) asserted medical malpractice against Heritage Manor West. A separate “administrative negligence” claim (based on similar facts) was presented against Pathways Management. The key element of this case was that the plaintiff advanced it outside the Medical Malpractice Act and its limits on damages.

What was the malpractice and administrative negligence? The plaintiff asserted global neglect to prevent avoidable pressure wounds, as well as other issues related to fall prevention, hydration and nutrition, all of which contributed to Davidson’s decline and ultimate demise. If prevailing on malpractice and negligence, the plaintiff could take both survival damages (medicals and Davidson’s non-economic damages) as well wrongful death damages for

deliberations were over at 8:15 p.m. For a relatively complex case with multiple and diffuse counts (malpractice, administrative negligence and fraud, as well as comparative fault and multiple damage categories), 15 minutes seem improbable. By contrast the jury might have been eager to wrap things up on a late summer Friday night.

However long the deliberations lasted the verdict was for the plaintiff on all three claims. The jury verdict on those three claims appears to be incorrectly as filed as the “verdict form” is only filed to the extent of Claim 2 (Pathways Management) and Claim 3 (Heritage West Fraud), but not Claim 2 (Heritage West Malpractice). That error is inferred as the jury went to consider comparative fault between Claims 1 and 2. The jury assessed fault 50-50 to Pathways Management and Heritage West.

Then turning to damages on the survival claim, the plaintiff took medicals of \$29,789. Davidson’s pain and suffering was \$800,000, while his mental anguish was \$500,000. Loss of enjoyment of life was valued at \$200,000. The survival damages totaled \$1,529,789.

The wrongful death damages were \$1,000,000 for Butler’s mental anguish and grief (a single category) plus \$50,000 more for love and affection. The funeral bill of \$500 was added. The total damages for wrongful death were \$1,050,500. The combined compensatory damages on malpractice and administrative negligence were \$2,580,289.

The jury then continued to the fraud claim. It answered for the plaintiff that Heritage West had intentionally misrepresented the care

it could provide to Donaldson and the plaintiff relied on that representation. The fraud damages were an even \$1,000,000.

A few weeks after the verdict was returned, Judge O’Callaghan entered an order on the key question of if the Medical Malpractice Act (and its protections) would partially shroud Pathway Management’s damages. The court concluded that this defendant had failed to raise a dilatory exception of prematurity on this question (it didn’t introduce evidence it was a certified provider) and thus had waived the statutory protections. Thus the damages will not be limited. Judge O’Callaghan invited the parties to submit proposed judgments.

Proposed judgments had not been submitted at the time of this report. What then will that judgment look like? The raw damages against Heritage West on malpractice (\$2,580,829) would first be halved by comparative fault to \$1,290,414. That then would far exceed half of the \$250,000 med mal cap as Heritage West. The proposed judgment would then add the \$1,000,000 in fraud damages that are not founded in medical malpractice. Then as to Pathways Management (unprotected by the cap), the verdict would be \$1,290,414, representing half of the compensatory damages on the negligence claim.

Truck Negligence - A dump truck rear-ended the plaintiff and left him with assorted injuries, a minor brain injury, a shoulder injury (surgically repaired) and a C5-7 disc injury that will require a surgery – the jury awarded medical bills of \$139,425, but just \$103,237 in non-economic damages

Fucich v. RPF Emergency Services, 6:20-978

Plaintiff: David C. Laborde, Jr., *Laborde Earles Law Firm*, Lafayette and Robert M. Marionneaux, Jr., *Marionneaux Law Firm*, Marksville
 Defense: Allyson C. Byrd, Robert B. Worley, Jr. and Allison B. Kingsmill, *Jones Walker*, New Orleans

Verdict: \$273,662 for plaintiff

Federal **Lafayette**

Judge: Robert R. Summerhays

Date: 10-11-24

David Fucich, then age 62, was involved in a crash on 8-19-19 in Lafayette with a dump truck. The truck was operated by Jesus Victor for his employer, RPF Emergency Services. RPF Emergency is a Great Divide Insurance insured.

The collision occurred as Fucich was rear-ended in heavy congestion on East Pont Des Mouton Road. Victor denied fault and implicated Fucich for stopping suddenly. Whoever was at fault, the collision resulted in minor damage.

Fucich was treated at the ER that day for apparently soft-tissue symptoms and then followed three days later with his primary care physician. He has since reported wide-ranging symptoms. That included a minor brain injury that results in brain fog, memory loss and confusion. This has affected Fucich’s career in media sales. Interestingly many years ago he had been WWL on-air anchor.