

The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

January 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.

Sexual Harassment - A long-time member of the LSU athletic department (she coordinated recruiting for the football team first being hired in 2001 under Coach Nick Saban) alleged she was terminated and denied a paid promotion because of her advocacy for female students who were mistreated as well as a separate hostile work environment based on her gender – LSU denied it all and explained the plaintiff (an associate athletic director at the time she was sacked) was let go when a new coach (Brian Kelly) fired some 41 members of the football staff after he took over

Lewis v. LSU, 3:21-198

Plaintiff: Larry English, New York, NY and Albert Van-Lare, New York, NY

Defense: Michael B. Victorian, Susan W. Furr, Gregory T. Stevens, S. Dennis Blunt and Molly C.

McDiarmid, *Phelps Dunbar*, Baton Rouge

Verdict: Defense verdict on liability

Federal: **Baton Rouge**

Judge: Susie Morgan

Date: 12-20-23

Sharon Lewis is an LSU through-and-through person. She graduated in 1991 and was a star member of the track team. Lewis was an SEC champion in the heptathlon. After graduation from LSU, Lewis earned a masters from Southern University and moved into athletic administration.

Lewis returned to LSU in 2001 when she was hired by Coach Nick

Saban. She worked in recruiting for the football team and did so well, she ultimately oversaw all of recruiting. Lewis had a nearly 20 year tenure at LSU and served under four coaches in addition to Saban, Les Miles, Ed Orgeron and finally just for a short time the present coach, Brian Kelly.

During her time at LSU Lewis made complaints that female students were subjected to inappropriate behavior by Coach Miles. She also recalled Miles indicated that in hiring student staff (women particularly), he preferred “pretty girls” and if black, that they were “light-skinned.” Lewis, who is black made complaints about this. She also alleged an assistant coach had sexually harassed her and then retaliated against her when she rebuffed his advances.

Ultimately in April of 2021 (Coach Orgeron was now in charge) she sued LSU and alleged Title IX and Title VII discrimination as well as that she’d been exposed to a severe and pervasive hostile work environment on account of her gender. She’d also alleged retaliation for her opposition to Miles’ conduct. Things had come to a head in 2020 when Lewis was promoted to the position of Associate Athletic Director. However it was a distinction with little difference as it included no pay raise.

This lawsuit was still in its infancy when Coach Kelly took over in December of 2021. She was fired in February of 2022. Lewis was let go by Kelly along with 41 other members of the LSU coaching staff. At this time

insurer. His theory was simple enough. Hanks has turned in front of him, that negligence leading to the crash and the serious and debilitating injuries. Stewart sought economic and non-economic damages – his wife (Caitlin) and his two minor sons also sought damages for their consortium interests. The defendants included Travelers Insurance, Markel American, Continental Insurance and a final excess carrier, Navigators Speciality Insurance.

The defense of the case conceded fault on the eve of trial. The matter was then defended on damages, that defense mostly diminishing the severity of the claimed brain injury. Moreover while Stewart clearly had suffered serious and permanent injuries, the defense theme was that Stewart is much improved and has been cleared for sedentary work.

This case was tried for several days in Plaquemine. All the parties but Continental Insurance and Navigator's Speciality settled before trial. Continental Insurance then settled after the trial had begun. It was represented by Jerry Glas who led a team for *Deutsch Kerrigan*. After that settlement the combined sums paid to Stewart totaled \$21,000,000. While the record was clear on the sum of the settlement (\$21,000,000), it does not indicate how much each of the settled insurers paid.

The remaining defendant at trial (Navigators Speciality Insurance) provided a \$9,000,000 excess policy to Service Steel. Thus the Navigators Speciality policy would be implicated by any verdict over the \$21,000,000 in settlements and then up to a ceiling of \$30,000,000.

The jury first answered that Stewart was injured in the crash. The answer was yes and the jury moved

to damages. Stewart was awarded medical bills of \$789,847 plus \$904,195 more for in the future. His lost wages were \$362,928 while those in the future were valued at \$5,263,258.

The jury moved to non-economic damages. Stewart took a total of \$31,000,000 spread over nine different categories. The breakdown was as follows:

Past pain and suffering: \$2.5 million
 Future pain and suffering: \$8,000,000
 Past mental anguish: \$2.5 million
 Future mental anguish: \$6,000,000
 Past and Future Loss of Enjoyment of Life: \$1,000,000 each
 Past Disability: \$2,000,000
 Future Disability: \$6,000,000
 Scarring/Disfigurement: \$2,000,000
 Stewart's wife took \$4,000,000 for her consortium interest. Each of Stewart's two minor sons were awarded consortium damages of \$500,000.

The non-economic damages for all the plaintiffs were \$36,000,000. The combined verdict was for \$43,320,228. The court's judgment noted the dichotomy of the prior settlements and entered a judgment of \$9,000,000 (the policy limits) against Navigators Speciality.

The defense has since made two motions. The first was by Navigators Speciality to prove that the plaintiffs had actually settled and been paid for \$21,000,000 and not just for instance \$15,000,000 of the total limits.

The defense also moved for JNOV relief and/or to remit the verdict. It argued the general damages awarded to the plaintiff and his wife (\$35,000,000) were abusively high. The insurer looked to the case of *Duncan v. Kansas City Southern* from 2000 and suggested the largest award

that could be approved for Stewart was \$6,000,000, adjusted to \$10.5 million or so by inflation. Particularly that plaintiff was more seriously injured than Stewart. The damages were called unprecedented in terms of those that been approved by Louisiana law.

Navigators Speciality has been joined in these post-trial motions by additional counsel, Thomas M. Flanagan, Anders F. Holmgren and Kansas M. Guidry of *Flanagan Partners*, New Orleans. Both motions are pending.

Auto Negligence - The plaintiff was sideswiped at speed on I-10 in Baton Rouge and the vehicles proceeded together for a time – the plaintiff has since complained of lumbar and cervical disc injuries – the plaintiff took substantial economic damage at trial (\$600,000 in future medicals) but just \$156,000 in non-economic damages

Holiday v. Bruser, 702669

Plaintiff: Charles L. Trichell, *Trichell Law Firm*, Baton Rouge

Defense: Jeffrey E. McDonald and Brad D. Ferrand, *Treadway Bollinger*, Covington

Verdict: \$936,578 for plaintiff

Parish: **East Baton Rouge**

Judge: Beau Higginbotham

Date: 11-30-23

Jordan Holliday, then age 26 and with no injury history, traveled on I-10 in Baton Rouge near West Acadian. He was at speed. Next to him in traffic was Jeremy Bruser who was driving a GMC Yukon for his employer, MMR Group. They are a Starr Indemnity insured.

Suddenly Bruser changed lanes and sideswiped Holliday's vehicle. The two vehicles then proceeded connected for a short time as they