

The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

June 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.

Auto Negligence - The plaintiff complained of a lumbar disc injury after being rear-ended by a Hertz employee near the airport – the plaintiff underwent several sets of ESI as well as a medial branch block and may require a future surgery – a Gretna jury awarded the plaintiff his medical bills of \$22,851 as stipulated and \$770,000 more in non-economic damages

Bernhard v. Hertz Corporation, 803580

Plaintiff: Gilbert W. Andry, IV and Michael J. Winsberg, *The Andry Law Firm*, New Orleans

Defense: David P. Salley and A.

Jacob Culotta, Jr., *Salley Hite Mercer & Resor*, New Orleans

Verdict: \$967,851 for plaintiff

Parish: **Jefferson**

Judge: Michael P. Mentz

Date: 4-17-24

Derek Bernhard, then age 39, was driving near the airport on Christmas Eve. He traveled on Airline Drive near Hollandey Street in Kenner. He was in a heavy-duty Chevrolet pickup truck, a GMT-400 model from the 1990s. Bernhard came to a stop behind a Kenner RTA that was unloading passengers.

A moment later Bernhard was rear-ended by Eric Spahn who was driving a vehicle for his employer, The Hertz Corporation. Hertz is self-insured. It was a hard hit and resulted in significant damage to Spahn's SUV. Bernhard's larger vehicle showed less severe damage. While Spahn had rear-ended Bernhard, he denied fault for it and blamed another vehicle that

suddenly changed lanes to the left – Spahn then didn't have time to stop to avoid striking Bernhard.

Bernhard first treated two weeks later with a primary care physician, Dr. Eddy Blossom, for back pain. Blossom ordered an MRI that revealed a cervical disc bulge and a lumbar disc herniation. Bernhard was referred on to a neurosurgeon, Dr. Samir Shamieh. Shamieh recommended a course of physical therapy or surgery.

Bernhard sought a second opinion from Dr. Donald Dietze, Neurosurgery. Dietze identified an L5-S1 disc injury and in March of 2020, he administered an epidural steroid injection. There was a second ESI in June of 2023. Finally in March of 2024 Bernhard underwent a medial branch block. Dietze has indicated that Bernhard will require future epidural injections, ablations and perhaps a fusion surgery.

In this lawsuit Bernhard sought damages from Spahn and his employer. Those damages included Bernhard's medical bills of \$22,851. He also sought sums for future care. Bernhard's self-described his injury as objectively permanent and "horrific." He could be awarded non-economic damages in three categories, past suffering, future suffering and loss of enjoyment of life.

Hertz first defended on fault as cited above and argued that another vehicle swerved left suddenly and then Spahn didn't have time to stop. There was no issue of apportionment to this John Doe "swerve-left" driver