

# The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

December 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.

**Roadway Negligence - A motorcyclist (an off-duty deputy sheriff from Baton Rouge) suffered fatal injuries when he struck a raised curb (it was four inches high) in a turn lane that was designed to prevent passing in the center lane of a three-lane road – at the time the plaintiff lost control, he was speeding (71 mph in a 55 mph zone) and was performing an illegal pass of two vehicles – the plaintiff (representing his family) sued LA DOTD and alleged the raised curb was negligently designed**

*Depedro v. Louisiana DOTD*, 127022

Plaintiff: Kirk A. Guidry and C.

Scott Courredge, *Due Guidry*

*Piedrahita & Andrews*, Baton Rouge

Defense: Christopher W. Stidham,

*Stidham & Crane* (as Assistant

Attorney General), Baton Rouge and

Christian Craddock, *Assistant*

*Attorney General*, Baton Rouge

Verdict: \$4,358,451 for plaintiff less

35% comparative fault

Parish: **Ascension**

Judge: Cody Martin

Date: 11-17-23

It was 4-9-19 in St. Gabriel (Ascension Parish) and John Depedro, age 36 and a deputy sheriff in East Baton Rouge Parish (he worked on a street crime unit), was out for a pleasure motorcycle ride with a friend. He was on a Harley-Davidson Roadster. Depedro, married and the father of two, was a respected deputy. When floods struck Baton Rouge in 2016, his home was deluged. Even as he was losing everything Depedro rushed to help

others in the community and was later honored for selfless service.

Moving to St. Gabriel, Depedro proceeded on La Hwy 30 near its intersection with Hwy 73. Depedro stopped at a red light. He and his fellow rider were behind a passenger car and a tractor-trailer. At this juncture Hwy 30 was two lanes wide. Just beyond the intersection there was an additional center lane.

That third turn lane had a new feature. There was a raised curb (or island) within the turn lane to prevent motorists from illegally passing. The curb (it was four inches high, nine feet wide and ten feet long) was marked with yellow paint and stripes.

The light turned green and the tractor-trailer started moving forward slowly. Depedro's friend sped past both the passenger car and the motorcyclist. He passed in the center lane. There was no oncoming traffic.

Depedro did the same thing. There was proof he was traveling at from 71-77 mph as he made an illegal pass of two vehicles, the passenger car and the tractor-trailer. What Depedro did not appreciate was the raised curb.

Depedro struck the curb, lost control of his motorcycle and was ejected. He vaulted into the air and slid under the tractor-trailer next to him. Depedro suffered grave injuries. He was rushed to a local hospital where he was pronounced dead.

The plaintiff in this case, representing Depedro's widow, Dawn and two minor children, Kamden and Aliana, pursued this lawsuit against

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Case Style \_\_\_\_\_

Jurisdiction \_\_\_\_\_ Case Number \_\_\_\_\_

Trial Judge \_\_\_\_\_ Date Verdict \_\_\_\_\_

Verdict \_\_\_\_\_

For plaintiff \_\_\_\_\_ (Name, City, Firm)

For defense \_\_\_\_\_ (Name, City, Firm)

Fact Summary \_\_\_\_\_

\_\_\_\_\_

Injury/Damages \_\_\_\_\_

Submitted by: \_\_\_\_\_

\_\_\_\_\_

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Horace Mitchell, a neurosurgeon, for a second opinion. Mitchell recommended a conservative course of care (rejecting the surgical choice of installing a shunt) for Miller. This continued over the course of five visits with Mitchell from March of 2014 until November of 2015.

Moving forward to the morning of

3-21-16, Miller awoke with severe vomiting. An ambulance was called and Miller lost consciousness on the way to the hospital. It was discovered that she was suffering an obstructive hydrocephalus. Despite undergoing an emergency ventricular surgery, Miller had already sustained an anoxic injury. A

shunt was placed nine days later. It was too late however. Miller remained in a permanent vegetative state until her death three years later on 12-7-19.

The plaintiff in this case alleged medical error by Mitchell in treating Miller's aqueductal stenosis. It was argued that after the 3-31-14 visit, he