

# The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

January 2026

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.

## Products Liability - The

**plaintiff's lithium ion batteries for his vape suddenly exploded as he was hunting in a deer stand, causing him to fall from the deer stand and suffer grisly and gruesome burn injuries – the trial court imposed liability against the seller of the batteries, but found the plaintiff 90% at fault for mishandling the batteries by having them in his pocket (not in their casing) along with bullet casings**

*Plaisance v. Up in Smoke*, 804385

Plaintiff: Matthew A. Sherman and Nicholas R. Varisco, *Chehardy Sherman Williams Recile & Hayes*, Metairie

Defense: Jon S. McGill, Sr., *JSM Law*, Gretna and Jonathan P. Lemann, Blair C. Constant and Kallen Forster, *Coulig Partners*, New Orleans

Verdict: \$644,944 for plaintiff less 90% comparative fault (Bench verdict)

Parish: **Jefferson**

Judge: Ellen S. Kovach

Date: 12-1-25

Val Plaisance, age 68, was deer hunting on 1-9-20 in Mississippi. He was in a deer stand. Plaisance had a vape with him, as well as batteries to charge it. The vape batteries are rechargeable lithium ion. They can explode if mishandled. There are clear warnings that the batteries should be held in their casing except when in use.

Plaisance is admittedly not a rule follower. He marches to the beat of his own drum. Plaisance put the batteries (not in a casing) in a pocket

in his jacket. The pocket also had bullet casings. Plaisance thought nothing of it.

Where had the vape and the batteries come from? That was an important question. There was evidence Plaisance bought them on 11-7-18 at Dahab Enterprises d/b/a Up in Smoke. It is a retail vape operation. Plaisance had a receipt that confirmed the sale of the four batteries as well as the vape, a charger and juice. The batteries were made in China.

Moving forward to the hunting trip (and the incident in question), the two batteries in his pocket exploded and caught fire. This caused Plaisance to fall from the deer stand as he struggled to put out the fire. He suffered third-degree burns to his legs, groin and genitals. The injury was serious.

Plaisance was in the middle of nowhere in Mississippi and didn't have cell service. He had to walk his way out to find a signal. Plaisance was helicoptered from his remote location to an ambulance which took him to a hospital. Plaisance endured painful treatments and has been left with scarring. There were photographs that reflected the gruesome and grisly injury. Plaisance continues to report anxiety and depression related to this incident. His medical bills were \$238,739 and the medicare lien was \$94,644.

Plaisance sued Up in Smoke and alleged a products liability theory as a non-manufacturing seller. He asserted

at trial, he sought compensatory damages. He also sought to separately impose punitive damages on each defendant.

The DPSC defendants replied on several fronts. The first was that they were entitled to qualified immunity. This was a fact issue for the jury to decide.

The defendants also defended on the merits. The classification and housing decisions were made based on reasonable operational factors and the availability of facilities. What was this case really about?

DPSC thought that “plain and simple” this was just Young being attacked in jail in a dispute over money. It had nothing to do with classification or anything else and was far from being a constitutional case. The defense also noted that it was the local sheriff (and not DPSC) who operated the jail.

This case was tried in Baton Rouge for four days. Young prevailed on the civil rights count as to each defendant, the jury also rejecting the qualified immunity defense. Young took compensatory damages of \$50,000. The jury imposed \$100,000 in punitives against each defendant. The verdict totaled \$250,000 and a consistent judgment was entered. While the motion is not yet filed, Young has indicated he will seek an award of attorney fees.

**Products Liability - The plaintiff suffered serious facial injuries (she was a rear-seat passenger not wearing a seat belt) when a 2016 Hyundai was rear-ended and partially overridden by a modified Jeep Wrangler – the plaintiff blamed the crash on the vehicle’s lack of crashworthiness and suggested an inexpensive alternative design that was stronger and featured an expanding rigid foam that purportedly would have protected her from injury**

*Lavergne v. Hyundai Motor Company*, 2:21-4236

Plaintiff: T. Houston Middleton, IV, Daniel A. Kramer and Gary L.

Blanchard, *Lundy Law*, Lake Charles

Defense: Robert W. Maxwell, Mandeville and Carl J. Giffin, Jr., Metairie, both of *Bernard Cassisa Elliott & Davis*, Jeffrey A. Cohen, *Carlton Fields*, Miami, FL and Thomas E. Bazemore, III, *Huie Fernambucq & Stewart*, Birmingham, AL

Verdict: Defense verdict on liability

Federal: **Lake Charles**

Judge: James D. Cain, Jr.

Date: 1-20-26

Taylor Lavergne, then age 20 and of Elton, LA, was on the way to a Christmas party with co-workers on the evening of 12-19-19. She was a rear-seat passenger behind her driver, Courtney Rider. Lavergne was not wearing a seatbelt. Rider was driving a 2016 Hyundai Accent sedan. Rider was driving on Hwy 165 in Allen Parish.

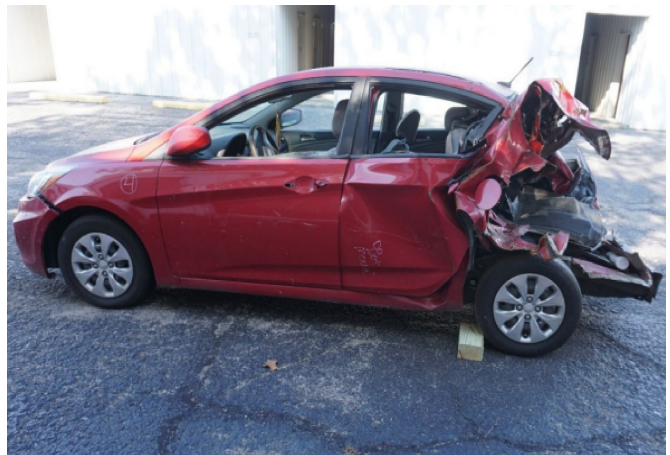
Sidney Seaford also traveled on Hwy 165 that night. She

was in a Jeep Wrangler. The Jeep was significantly modified and had a higher and larger profile front grill than a typical Jeep. Suddenly Seaford rear-ended the Rider Hyundai.

The collision occurred at speed. Seaford’s Jeep was going about 60 mph. Rider’s Hyundai was moving at half that speed. It was a significant rear-ender and the Jeep not only struck the Hyundai, it also rode up onto it. This caused catastrophic damage to the vehicle and the intrusion pushed Lavergne forward.

Lavergne was knocked into the driver’s side seat. She struck it face first. This caused her to suffer multiple facial fractures (described as a Lefort orbital comminuted fracture) as well lacerations to her eyelid and lip. These were severe and high impact injuries. Lavergne underwent multiple repair surgeries on her face. She has also treated for a collapsed lung, mild TBI and PTSD. Lavergne was knocked unconscious and only later woke up in a Baton Rouge hospital. The two other passengers in the Hyundai (they were wearing seat belts) were not injured.

Lavergne filed a products liability lawsuit against Hyundai Motor



*The 2016 Hyundai Accent in question*

*Remondet*, Lafayette for Guide One Insurance (Excess Insurer)  
 James M. Dill, *Dill Law Firm*,  
 Lafayette for BDG Trees (tortfeasor)  
 Brandi F. Ermon, *Burglass & Tankersley*, Metairie for Endurance American Insurance (Excess Insurer)  
 Verdict: \$38,052,543 for plaintiff  
 (New trial ordered on damages)  
 Federal: **Lafayette**  
 Judge: David C. Joseph  
**Case Document:**  
[New Trial Order](#) (Link in PDF)

## Historical Louisiana Verdicts

**Battery (Rape) - The plaintiff (a paranoid schizophrenic) alleged that the morning after she sought treatment at an Alexandria ER for an anxiety attack, the ER doctor came to her house and raped her by offering sex in exchange for a prescription for an anxiety medication – the doctor denied everything and following a six-day trial in 1996 (and on the date of the doctor's fifth wedding anniversary), the jury rejected the battery claim by a 9-3 count – it was learned the jurors mostly believed there was a sexual encounter, but that it was consensual**

*Louviere v. Lobitz*

Plaintiff: Jimmy Faircloth,  
 Alexandria

Defense: Bruce Cespiva, Alexandria

Verdict: Defense verdict on liability

Court: **Rapides Parish**

Judge: William Polk

Date: May 25, 1996

Paula Kay Louviere, then age 36, had a long history of mental illness including for paranoid schizophrenia. She'd acted out in times of stress. That included alleging that all three of her ex-husband's had molested her children. Against this backdrop Louviere presented to the Huey Long Memorial Hospital in Alexandria on the evening of August 13, 1994 with an anxiety attack. She was treated and released in the ER by Dr. Bruce Lobitz. Louviere went home and Lobitz remained at the hospital until his shift ended the next morning at 7:00 a.m.

What happened next would be hotly disputed. Lobitz's version was quite simple. He went home. That

was it. He didn't do anything. He never saw Louviere or had any contact with her at all.

Louviere's version was different. She alleged Lobitz came to her home and knocked on her door. Louviere's daughter (age 11), remembered a man in scrubs coming to the door. On cross-examination the daughter was less certain who this man was.

Louviere was certain. It was Lobitz. He propositioned her for sex. The deal was in exchange for a prescription drug, Ativan. Louviere needed the prescription and consented to sex. She recalled Lobitz used a condom and threw it in the garbage.

Louviere saw a lawyer (Jimmy Faircloth) a day later and he contacted a prosecutor. The prosecutor (so the story goes) suggested Louviere file a civil claim. She did just that and alleged battery by Lobitz. She also sued the employment agency that placed Lobitz at the hospital.

Louviere's case was simple enough. She'd been raped. Lobitz had an equally simple defense. It wasn't true at all. At trial he delved deeply into Louviere's mental history in an effort to challenge her credibility. His defense had holes though and a local report indicated he had difficulty explaining inconsistencies in his version of events.

The case was tried over six days in May of 1996. It concluded on a Saturday after almost five hours of deliberations. As the jury deliberated, it asked the court about consent. Judge Polk added a line to the verdict form that the sex had to be "without her consent." The jury rejected the claim against Lobitz by a 9-3 count. At the time the jurors indicated a majority believed Lobitz had sex with Louviere, but that it wasn't rape.

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9462 Brownsboro Road, No. 133

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