

# The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

December 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.

**School Negligence - In a tragic case a six-year old girl was run over and killed (her older brother saw it occur and was traumatized) in her Catholic school parking lot during car pool at the end of the school day – incredibly the school was operating an after school “run club” for the children that required them to cross lanes of traffic**

*Savoie v. Our Lady of Lourdes*, 23-16933

Plaintiff: Frank J. Swarr and

Benjamin D. Rumpf, *Landry & Swarr*, New Orleans

Defense: Jefferson R. Tillery and Madeline Fischer, New Orleans and Jessica S. Allain, Lafayette, all of *Jones Walker* for Our Lady of Lourdes Sidney W. Degan, III and Karl H. Schmid, *Degan Blanchard & Nash*, New Orleans for American Alternate Insurance

Rachel G. Webre and Morgan A.

Druhan, *Gieger Laborde & Laperouse*,

New Orleans for Gemini Insurance

Kyle S. Moran, *Phelps Dunbar*, New Orleans for Lloyd’s Underwriters

Verdict: \$129,000,000 for plaintiffs

Parish: **St. Tammany**

Judge: Reginald T. Badeaux, III

Date: 11-8-24

Emma Savoie, age 6, was a student on 2-23-22 at Our Lady of Lourdes school in Slidell. It is operated by the Catholic Church. School had let out (it was 3:22 p.m.) and car pool was moving through the parking lot. At the same time Emma and her brother (Beau, age 10), were participating in the school’s unofficial “run club.”

The run club was operated such that the children would run through

the parking lot during car pool.

Emma had stopped as she was to cross a lane of moving traffic. A moment later her brother heard her exclaim, “Wait for me.” Emma ran into traffic and was struck by Mary Forsythe who was driving a Toyota Tundra pick-up. Forsythe was driving at 9 mph at the moment of impact and was not speeding, distracted, intoxicated or otherwise impaired. The police would call the incident a tragedy.

Emma suffered fatal injuries (there were disputes if she died instantly or not) but she was taken to Slidell Memorial Hospital where she was pronounced dead 29 minutes later. Her brother Beau had seen the entire thing happen in front of him and there was proof he suffered significant emotional distress. Emma was survived too by her grieving parents, Brent and Amy Savoie.

In this lawsuit the Savoie family sued Our Lady of Lourdes and alleged negligence by it in operating a run club for children in the parking lot during an active car pool. It was described as incredibly dangerous to have the children running multi-laps in this setting and especially without a crossing guard. If the plaintiffs prevailed they sought damages for Beau’s bystander distress as well as for Emma’s conscious pain and suffering and the wrongful death damages of the parents. An accident and safety expert for the plaintiffs was Daren Marceau, Cary, NC.

**Truck Negligence - The plaintiff (she's a member of the State Board of Education) complained of chronic neck and back pain after a lane incursion crash on the interstate – a federal jury awarded the plaintiff special damages, but nothing for pain and suffering and loss of enjoyment of life**

*Melerine v. Ty & Tan Express*,  
5:22-6127

Plaintiff: Justin C. Dewett and Elizabeth A. Hancock, *Morris Dewett*, Shreveport

Defense: Lottie L. Bash, *Faircloth Melton Sobel & Bash*, Alexandria and J. Geoffrey Ormsby, *Smith & Fawer*, New Orleans for Williams and Ty & Tan Express

Frank K. Carroll, *Mayer Smith & Roberts*, Shreveport for Safeco Insurance (Uninsured Motorist)

Verdict: \$280,000 for plaintiff less 30% comparative fault

Federal: **Shreveport**

Judge: Jerry Edwards, Jr.

Date: 11-6-24

Stacey Melerine, then age 36, traveled in heavy traffic on I-20 in Bossier City on 8-11-21. Melerine is on the State Board of Elementary and Secondary Education (BASE) and her husband (Michael) is a recently elected member of the Louisiana legislature.

Melerine was in the right lane on I-20 in an Acura sedan. A moment later a trucker, Ladarius Williams, was operating a tractor-trailer with a flatbed trailer for Ty & Tan Express. He was in the left lane next to Melerine.

Melerine alleged that Williams suddenly encroached her lane and struck her vehicle. It was a moderate impact that struck along the passenger side of the Melerine Acura. The truck also lost a front tire



*Photographs at the scene of the Melerine vehicle*

that had scraped the Acura. Williams

for his part believed that Melerine had encroached his lane. This would remain a fact dispute.

However it happened there was no injury at the scene and both Melerine and Williams took numerous pictures. Within a few hours Melerine was experiencing neck and shoulder pain. She reported to the ER at St. Christus later in the day and was treated and released.

Melerine has since complained of chronic and wide-ranging neck and back pain. She underwent a complex course of care that included RFA treatments and steroid injections. Her medical proof from the treating Dr. Philip Utter, Spine Surgery, confirmed the permanent injury and linked it to the crash.

Melerine's medicals were \$148,774 and her life care plan included significant sums for her ongoing care. This was quantified by her life care plan expert, Stefanie Chalfin. Beyond her medicals and future care, Melerine also sought sums for her non-economic damages. Her husband presented a derivative

consortium claim but dismissed it volitionally as the trial began.

Melerine had also separately presented a UM claim against her insurer, Safeco Insurance. Its policy would come into play at any verdict over \$750,000. Melerine had also sued Safeco for bad faith. That claim was bifurcated pending the outcome of the underlying case.

The defense of the case first removed the matter from Bossier Parish to federal court. The focus of the defense contested liability as noted above as well as diminishing the claimed injury. That included relying on an IME expert, Dr. Thomas Bertuccini, Neurosurgery, Lafayette. Bertuccini could find no "objective abnormality" and was of the opinion that the ongoing RFA treatments were risky and likely ineffective.

Bertuccini was also informed about Melerine's by surveillance video which showed her walking briskly with a heavy bag in one hand and carrying a baby in another, all of which contradicted her notion of a serious or permanent injury.

Melerine replied in two respects. The first was that the surveillance video confirmed that her pain



*An image depicting damage to the Crifasi vehicle*

transferred to Crifasi.

The defense replied on several fronts. That included cross-examining Dietze that other than Crifasi's subjective complaints, he was unable to manifest objective findings. Crifasi's injuries were also diminished with videos that showed her riding an amusement park ride (a kiddie ride at City Park with her young son) four months post-wreck which contradicted her depiction of her condition.

The defense called a single witness, an IME, Dr. Kevin Watson,

Orthopedics. He believed that Crifasi suffered a soft-tissue strain that likely resolved in six to eight weeks. Watson also could not identify any acute injury on the MRI scans and opined Crifasi's condition was consistent with the pre-existing degenerative process and the aging process.

Crifasi sought to call a rebuttal witness to Watson, Kendal Leftwich, a physicist at UNO, who contradicted Watson's "fender-bender" characterization of the crash. Judge Juneau refused to permit him

to testify. The plaintiff too had sought to introduce evidence of Johnson's insurer as this was a pre-August "direct action" claim. Judge Juneau did not allow this.

This case was tried to a jury in Chalmette. The jury only considered damages. Crifasi took medicals of \$40,120 as claimed. However the jury rejected any award for future medicals or loss of earning capacity. While the past pain and suffering was \$109,880 (equaling a total award of exactly \$150,000), there was no award for future pain and suffering or past and future mental anguish. At the time of this report no final judgment had been entered. It is expected that Crifasi will seek review of the verdict by way of JNOV and/or appeal with a focus on the exclusion of the rebuttal witness and the direct action question.

**Medical Malpractice - The plaintiff was left alone on the toilet at the hospital while in recovery from an out-patient surgery, and when left too long she tried to get up and still a fall risk while under the effect of an anesthesia, she fell and broke her hip – she blamed the hospital for leaving her unattended – the hospital defended that the nurse left her for only a short period, there was no deviation from the standard of care and the injury was an unfortunate accident**

*Clark v. St. Francis Medical Center, 19-2615*

Plaintiff: Anthony J. Bruscato, Monroe and Eddie V. Clark, Monroe  
 Defense: David H. Nelson, *Nelson Zentner Sartor & Snellings*, Monroe  
 Verdict: Defense verdict on liability  
 Parish: **Ouachita**  
 Judge: Frederick Jones  
 Date: 10-31-24

Alice Clark, age 70, underwent an