The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

December 2025 | **Statewide Jury Verdict Coverage** | **16 LaJVR 12**

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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.

Medical Malpractice - The plaintiff (a trial attorney) died by suicide by jumping from the Hale Boggs Bridge – he'd been discharged two days earlier from the Acute Psychiatric Unit at Ochsner Clinic – the plaintiff representing his wife and six children alleged to clinic psychiatrists had malpracticed his care in adjusting his medications, failing to communicate a treatment plan and discharging him within 24 hours of his having expressed suicidal ideations – the jury found the clinic had violated the standard of care but exonerated it on malpractice on causation – the jury went on to find for the plaintiff on the separate "loss of a chance of a better outcome" and awarded damages of $1.5 million

Culotta v. Ochsner Clinic Foundation, 18-6469
Plaintiff: T. Carey Wicker, III and Thomas C. Wicker, IV, *Capitelli & Wicker*, New Orleans
Defense: Don S. McKinney, *Adams & Reese*, New Orleans
Verdict: $1,500,000 for plaintiffs on loss of chance claim; Defense verdict on causation on malpractice
Parish: **Orleans**
Judge: Ellen M. Hazeur
Date: 10-31-25

John "Jack" Culotta, age 55, was a well-known and experienced trial lawyer in the summer of 2016. He'd worked at the defense firm *Bernard Cassisa Elliott & Davis* and at this time had opened his own shop. Culotta had been married (Eileen) for 29 years and was the proud father to five daughters and a son. Culotta was also an active youth coach and stayed fit himself. He was an Ironman in 2009.

Beyond that facade the picture was more complex. Culotta had suffered from major depression, bipolar disorder and anxiety for many years. He had a history of a prior suicide attempt and subsequent hospitalization.

Culotta regularly treated with his psychiatrist, Dr. Trent Deselle and generally had been doing well from a psychiatric standpoint. At a visit on 7-10-13, Culotta expressed a suicidal ideation to Deselle that he wanted to jump off a bridge. Deselle appreciated how serious this was and that it represented an acute psychiatric event. Deselle communicated with Culotta's wife and promptly arranged for Culotta to be admitted to the Acute Psychiatry Unit (APU) at the Ochsner Clinic Foundation. Culotta came under the care of a psychiatrist, Dr. Thomas Keister. Culotta was started on an anti-psychotic drug, Zyprexa.

A day later Keister discontinued the drug. Culotta's wife expressed concern about this. It was now the weekend and Culotta came under the care of the on-call Dr. David Galarneau. [Both Keister and Galarneau were Ochsner Clinic employees.] Galarneau discharged Culotta on Sunday (7-14-13) with instructions to see Deselle in a month.

Two days later on a Tuesday (7-16-13), Culotta drove onto the Hale Boggs Bridge. A witness observed

Ochsner Clinic defended on liability similar to its defense at the Medical Review Panel. That included arguing the discharge was reasonable as was the treatment plan, and as importantly, Culotta verbalized he understood it. In fact Culotta had been kept an extra day even when he didn't rise to the level of active suicidality. The defense built its case on testimony from Dahmes from the panel as well as a retained expert, Dr. John Thompson, a psychiatrist at Tulane.

As the trial the plaintiff dismissed its claims against the individual psychiatrists, Keister and Galarneau. The sole defendant at trial was the Ochsner Clinic.

The trial began more than 12 years after Culotta had died and it ended in New Orleans on Halloween. The verdict was mixed. The jury first answered for the plaintiff that it had proven the standard of care applicable to the defendant psychiatrists. It further found a breach of the standard of care. However the defense prevailed on causation, the jury answering that the breach of the standard of care had not caused an injury or death "that won't otherwise occur." The jury then didn't reach the wrongful death and survival damages.

The deliberations were not over. The jury then moved to the loss of chance claim. It answered for the plaintiff that the breach in the standard of care caused Culotta to lose a "chance at a better outcome." The award of damages (generally for the loss of chance) were $1.5 million. At the time the record was reviewed a week after the trial, no final judgment had been entered.

Marine Negligence - The plaintiff suffered severe burn injuries when a lit a cigarette on the fly bridge of an LNG powered vessel near an LNG vent and there was a flash fire – beyond his second degree burns to 30% of his body, the plaintiff also broke his leg when he jumped from deck to another to escape the fire – a federal jury found for the plaintiff on a marine negligence and awarded nearly $10,000,000 in damages

Galland v. Harvey Gulf International, 2:23-3392.

Plaintiff: Aaron J. Broussard, Christopher Mann, Jerold Knoll & Laura B. Knoll, *Broussard Knoll*, Lake Charles

Defense: Adam M. Dinnell, *Hicks Johnson*, Houston, TX and Charles A. Cerise, Jr., Johnny L. Domino, Leigh Ann Schell and Matthew C. Guy, *Adams & Reese*, New Orleans

Verdict: $9,958,001 for plaintiff less 5% comparative fault

Federal: **New Orleans**
Judge: Wendy B. Vitter
Date: 11-4-25

Paul Galland, an experienced seaman, was working for Harvey Gulf International Marine on the afternoon of 4-28-23. He was on the PSV (platform supply vessel) Harvey Energy. A tri-fueled vessel (diesel, battery and new liquid national gas, LNG), it was the pride of the Harvey Gulf fleet. On this date it was docked in Port Fourchon, LA and was being prepped for a Coast Guard inspection. Galland a co-worker had spent the morning doing "hot work" on a mast platform by chipping and grinding away paint.

After a lunch break, Galland returned to the vessel's fly bridge which is sometimes called the funnel deck. This was located above an LNG vent. The LNG power on the vessel had been operating in the last twelve hours. The vented LNG collected under the fly bridge. This was in a

The PSV Harvey Energy

Notable Supreme Court Opinion - In an opinion issued 10–24-25, the high court reversed a $5,036,012 products liability verdict arising from a fatal fall a ladder – the court concluded the defendant, who purchased the bankrupt ladder manufacturer and kept the same name (although operating a new company) was not subject to liability on an "apparent manufacturer" theory

Pellecer v. Werner Co., 2024-C-1492
Plaintiff: Gary M. Carter, *The Carter Firm*, New Orleans (underlying plaintiff and appellee)
Defense: John E.W. Baay, II and Nicholas S. Bergeron, *Geiger Laborde & Laperouse*, New Orleans and Leigh Ann Schell, *Adams & Reese*, New Orleans (underlying defendant and appellant)
Result: $5,036,012 Jury Verdict Reversed
Court: **Louisiana Supreme Court**
Date: 10-24-25

Carlos Pellecer, age 75 and a long-time St. Bernard Parish resident and native of Guatemala, was working as a handyman on 11-27-19. He was hanging Christmas lights at a home on General Pershing Street. Pellecer utilized an aluminum Werner Co. ladder that was manufactured in 1991.

The ladder shifted and Pellecer fell. He suffered a fracture skull in the fall and died two days later of a brain bleed. He was survived by his wife of 55 years and several daughters. Pellecer was described as a well-liked family man and member of his community.

The Pellecer widow and children filed this lawsuit against Werner Co. That's where it got tricky. Werner Co. had certainly manufactured the ladder in 1991. However it went bankrupt in 2006. A new company bought the assets at that time and began to operate Werner Co. It made a decision that it liked the name and trademark. What was the name of the new company? Werner Co. The old Werner Co. (the shell) would operate as Old Ladder. Old Ladder of course didn't really exist.

The defendant then at trial was Werner Co. The plaintiff alleged a crack in the side rail of ladder led to the collapse. Werner Co. for its part believed the crack resulted during the collapse, and was not the cause of it.

Werner Co. also raised the identification question. It had not manufactured the ladder and could not be held responsible. The manufacturer was Old Ladder. Pellecer responded with a marketing expert, Joe Ricks, who opined that Werner Co. held itself out as the manufacturer. The plaintiffs thus alleged that Werner Co. could be held liable on an "apparent manufacturer" theory. Werner Co. denied liability.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the jury found that Plaintiffs, Darlene Ward Pellecer, individually and as the administrator of the estate of Carlos F. Pellecer, and Cynthia Pellecer Keppler, Linda Pellecer Seward, and Bonnie Pellecer Perez, are entitled to total damages in the amount of $5,036,012.00, which in accordance with the jury's responses on the special verdict form includes the following damages:

1.	Past Medical Expenses:	$33,400.00;
2.	Burial and Funeral Expenses	$2,612.00;
3.	Past Pain and Suffering of Carlos F. Pellecer:	$750,000.00;
4.	Wrongful Death Damages of Darlene Ward Pellecer:	$2,000,000.00;
5.	Wrongful Death Damages of Cynthia Pellecer Keppler:	$750,000.00;
6.	Wrongful Death Damages of Linda Pellecer Seward:	$750,000.00;
7.	Wrongful Death Damages of Bonnie Pellecer Perez:	$750,000.00;
	TOTAL:	**$5,036,012.00**

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that judgment in accordance with the jury's verdict is hereby rendered in favor of Plaintiffs and against Defendants, Werner Co. and New Werner Holding Co., as follows:

1.	Darlene Ward Pellecer, as the administrator of the estate of Carlos F. Pellecer	$ 393,006
2.	Darlene Ward Pellecer	$1,000,000
3.	Cynthia Pellecer Keppler	$ 375,000
4.	Linda Pellecer Seward	$ 375,000
5.	Bonnie Pellecer Perez,	$ 375,000

The judgment (the jury verdict is lost) in Pellecer v. Werner Co.

A Notable South Carolina Verdict
(Involving Louisiana counsel)

Truck Negligence - The plaintiff, a Kia store manager, was rear-ended at a red light which aggravated degenerative conditions (he played football years ago at Tulane) and also resulted in a mild TBI – a jury in Greenville awarded him $1.2 million and his wife took $300,000 more for her consortium interest for a total of $1.5 million – the court remitted the plaintiff's award to $300,000 to comply with the statutory limit and remitted the wife's award to $75,000 because he considered it excessive

Obermeyer v. Department of Transportation, 2021-CP-23-03658
Plaintiff: Richard H. Barker, IV, New Orleans, LA and J. David Standeffer, *Standeffer Law*, Anderson, SC
Defense: Charles F. Turner, Jr. and John T. Riordan, *Wilson Jones Carter & Baxley*, Greenville, SC
Verdict: $1,500,000 for plaintiffs
Court: **Greenville, South Carolina Greenville Common Pleas**
Judge: G.D. Morgan, Jr.
Date: 4-12-24

Kurt Obermeyer, then age 57 and a manager and partner of a Kia dealership in Greer, SC. Obermeyer was driving a late model Kia vehicle and was stopped at a red light on Roper Mountain Road. A moment later he was rear-ended by Michael Gilliken who was driving a Ford pick-up truck for the South Carolina Department of Transportation (DOT). It was a minor impact that pushed Obermeyer forward into the next vehicle. The spare tire on the rear of his Kia was broken loose, while the trailer hitch on the vehicle in front of Obermeyer penetrated the Kia's front bumper.

Obermeyer played college football at Tulane (he was an offensive guard) so his body had seen some things. At the time of this crash while he had degenerative disc disease, he was asymptomatic. This collision brought those symptoms into painful reality.

Obermeyer first treated with a chiropractor and then a pain management specialist who used nerve blocks. Those were not effective. Obermeyer (who lived in New Orleans in college) saw a neurosurgeon there (Dr. Donald Dietzke) who recommended a disc surgery. Obermeyer considered it risky and declined. He was once physically active and regularly golfed and boated. Obermeyer sold his boat and is now mostly sedentary.

Beyond the aggravation of degenerative conditions, Obermeyer also complained of a mild brain injury. It affects his sleep, memory and mood, all as described by his wife, Cristiana. This injury was confirmed by a New Orleans neuropsychologist, Susan Andrews. While there was no wage loss claim for the jury, there was proof that Obermeyer's altered condition led him to become more reclusive at the dealership and he was bought out of his partnership.

In this Tort Claims Act lawsuit, Obermeyer sought damages from DOT and alleged negligence by Gilliken in rear-ending him. Beyond his claim for damages, Obermeyer's wife presented a derivative consortium claim. As the case went to the jury, Obermeyer asked for an award ranging from $1.48 million to $4.27 million.

DOT replied that the collision was "objectively minor" and occurred at low speed. The defendant also diminished the claimed emotional injury, suggesting Obermeyer was just a "little moody." Moreover the plaintiff didn't treat for a TBI until more than a year later and then with a provider suggested by his attorney.

The jury instructions asked if Obermeyer sustained damages that were proximately caused by the defendant's negligence. The jury said yes and awarded him $1.2 million. His wife took $300,000 more for her consortium interest. The verdict for the Obermeyers totaled $1.5 million.

DOT made several post-trial motions (all presented separately) that challenged the verdict. They were for JNOV, New Trial, Remit to the Statutory Limit, and Remit to A Single Award. The first thrust of those motions was that the verdict was grossly excessive. As to the questions of remittitur, DOT argued Obermeyer's damages should be limited to the statutory cap of $300,000, and separately that the husband and wife awards should have a single combined $300,000 limit. The plaintiffs opposed those motions.

Judge Morgan sorted it all out in a 5-17-24 order. He affirmed the verdict as to Obermeyer but remitted the wife's consortium award to $75,000 as he found the only testimony was that the wife had driven him to a few medical appointments and he was a "different person at times." The court denied the DOT motion to reduce to a single award, but did reduce Obermeyer's $1.2 million award to the statutory cap of $300,000. What was the end result? Obermeyer was awarded $300,000 and his wife $75,000. The judgment has been satisfied and the case is concluded.

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