

The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

February 2025

Statewide Jury Verdict Coverage

16 LaJVR 2

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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.

Premises Liability - A Bourbon Street restaurant patron tripped over an interior threshold and fell into a landscaping brick that was used as a doorstep – this fall left the plaintiff with a “maiming” injury to his lower leg (a 10 inch gash) that resulted in ongoing nerve pain – a New Orleans jury awarded him \$200,000 in general damages all less an assessment of 45% of fault to him

Orr v. Le Bayou Restaurant and Oyster Bar, 21-4962

Plaintiff: Matthew G. Rogenes and Ashley M. Liuzza, *Stag & Liuzza*, New Orleans and Chris Liuzza, *Liuzza Law Firm*, New Orleans
Defense: Joseph G. Glass and Andrew R. Weinstock, *Duplass, APLC*, Metairie

Verdict: \$200,000 for plaintiff less 45% comparative fault

Parish: **Orleans**

Judge: Omar K. Mason

Date: 1-17-25

Harold Orr, age 71 and from Southern California, was a tourist on 6-13-20 (the first day of Phase Two Covid re-opening) on Bourbon Street. He and his daughter were looking for dinner and she was attracted to Le Bayou Restaurant and Oyster Bar (503 Bourbon Street) as it features balcony seating. The restaurant is owned by Ammari of Louisiana.

Orr and his daughter ate dinner on the balcony. Dinner was concluded and they started to walk back downstairs from the balcony. It was now nearly 7:30 p.m. There was

proof Orr was wearing dark sunglasses.

Orr tripped over an interior threshold from the dining room. He fell forward and hit his head on a table. His leg also struck a landscaping brick that was used at Le Bayou as a doorstep. This impact left him with what was described as a “maiming” injury to his lower leg. That was a gruesome ten-inch gash. Orr also had a cut to his head.

Orr was treated at an ER that night and subsequently spent the next few days in his hotel room. When Orr returned home he continued to complain of residual pain and numbness in his leg that was linked to a nerve injury. Dr. Troy Beaucoudray, Neurosurgery, Metairie confirmed a peroneal nerve injury and that it is permanent. Orr testified that the injury has robbed him of his active lifestyle.

Orr sued Le Bayou and alleged negligence regarding the 3.5 inch elevation change in the entryway which led to his trip. He was also critical of the hazard of the brick as doorstep. His human factors expert, Jason English, testified the design of the entryway violated well-known safety standards. If Orr prevailed he sought non-economic damages in seven separate categories. As the case went to the jury, Orr asked for an award of \$2,000,000.

Le Bayou denied fault and implicated the plaintiff’s own comparative fault. Particularly his dark sunglasses made it difficult to

ROBERT MARIONNEAUX, III * NUMBER: 80592 DIVISION: B
 * 18TH JUDICIAL DISTRICT COURT
 VERSUS *
 * PARISH OF IBERVILLE
 *
 *
 WILSON ALEXANDER, USAA *
 CASUALTY INSURANCE COMPANY *
 AND LOUISIANA FARM BUREAU *
 CASUALTY INSURANCE COMPANY * STATE OF LOUISIANA

VERDICT SHEET

1. Do you find by a preponderance of the evidence that plaintiff, Robert Marionneaux III, was injured as a result of the collision on July 30, 2020?
 Yes No

If the answer to question 1 is "Yes", proceed to question 2 and 3.
 If the answer to question 1 is "No", please skip all other questions and sign the verdict form.

2. Do you find that Wilson Alexander was in the course and scope of his employment with The Advocate at the time of the Accident on July 30, 2020?
 Yes No

3. What amount, in dollars and cents, will compensate the Plaintiff, Robert Marionneaux III, for his injuries?

Past Medical Expenses	\$ 82,793.44
Future Medical Expenses	\$ 340,141.76
Past Physical Pain & Suffering	\$ 1 million
Future Physical Pain & Suffering	\$ 1,000,000
Past Mental Anguish	\$ 2,000,000
Future Mental Anguish	\$ 1,000,000
Past Loss of Enjoyment of Life	\$ 4,000,000
Future Loss of Enjoyment of Life	\$ 6,000,000
Disability	\$ 3,000,000
Scarring and Disfigurement	\$ 0
TOTAL	\$ 18,422,935.20

(Sign and date this form and notify the bailiff when you have reached a verdict.)

1/16/2024
 DATE

Jennifer Kern
 JURY FOREPERSON
 Jennifer Kern
 JURY FOREPERSON - PRINT NAME

The Marionneaux v. Alexander jury verdict form

was that Alexander (who tweets and reports on LSU football at all hours of the day) was in the scope of his employment even if he was just picking up his laundry. He very well

could have sent a tweet at any moment or taken a call from the football coach.

Alexander defended the case as well as he could which was limited

in part by his insurance exposure. Farm Bureau for its part had two primary arguments, (1) Marionneaux was fully compensated by the \$500,000 he had already received, and (2) to the extent there was more owed, paying it was the responsibility of The Advocate as Alexander's employer.

The Advocate thought Farm Bureau bringing it into the case was just a scheme to avoid its UIM coverage. It noted Alexander was in his personal car running a personal errand that was totally unrelated to his duties as a sportswriter. Moreover while the wreck was at 8:30 in the morning, Alexander didn't even send his first tweet until nearly noon. The plaintiff countered that on his social media, Alexander indicated he's always working.

Why did it even matter if The Advocate was his employer? There were sixteen million reasons. The record indicates the newspaper had a \$16,000,000 million policy of insurance with The Hartford. If The Advocate was the employer and Alexander was on the job at the time of the crash,, its \$16,000,000 would provide significantly more coverage to Marionneaux. Moreover from the perspective of Farm Bureau, that \$16,000,000 would be in front of its \$2.5 million UIM coverage. The issue of the "scope of employment" would be a factual one for the jury to decide.

This case was tried for three days in Plaquemine. As the jury deliberated the case it had a question for the court: Can we please have the policies and procedures from The Advocate? It is not clear how or if the court answered.

As fault was not in question, the jury first answered that Marionneaux was injured in the crash. It made a second factual finding that Alexander

Correction

We made a mistake in the January 2025 edition. We misidentified an attorney in the caption to a case that appeared at page 10 of the January 2025 edition, 16 LaJVR 1. How did that happen? When we reviewed the record we wrote down the attorney's name incorrectly and then transposed that incorrect name into the report. We regret the error.

The corrected report is below and the incorrectly identified attorney was Janna C. Underhill of *Degan Blanchard & Nash* who defended *Reyes v. Alpine Transportation*. The corrected caption is below:

Truck Negligence - This case involved a collision in a truck stop parking lot between the defendant (in a big rig) and the plaintiff (asleep in the bunk of his parked tractor-trailer) – the impact knocked the plaintiff out of his bunk and he has since treated for wide-ranging neck and back injuries – the case was tried in federal court and the jury rejected the case on causation
Reyes v. Alpine Transportation et al, 6:22-5685

Plaintiff: Carl J. Rachal, Lafayette
Defense: Janna C. Underhill, Steven K. Schilling and Sidney W. Degan, III, *Degan Blanchard & Nash*, New Orleans
Verdict: Defense verdict on causation
Federal: **Lafayette**
Judge: David C. Joseph
Date: 12-17-24

A Notable Mississippi Verdict

Medical Malpractice - The plaintiff died of a pulmonary embolus several weeks after a right shoulder surgery – her estate blamed a UMMC orthopedist (William Geissler) for failing to institute a particularized post-operative plan to address the PE risk that accounted for her race (black), health conditions (diabetes and hypertension) and obesity – the case was tried as a bench trial and the court found for the plaintiff and awarded economic damages of \$69,652 and \$256,159 more (there was no apparent basis for this sum) in non-economic damages

Williams v. UMMC, 22-763

Plaintiff: Thandi Wade and Joe N. Tatum, *Tatum & Ward*, Jackson, MS
Defense: Robert V. Greenlee and Leah N. Ledford, *Butler Snow*, Ridgeland, MS

Verdict: \$325,812 for plaintiff (Bench verdict)

Court: **Jackson, Mississippi Hinds Circuit Court**

Judge: Adrienne Wooten
Date: 1-3-25

Dorothy Williams, age 56, underwent a right shoulder replacement surgery on 9-9-21 at University of Mississippi Medical Center (UMMC). It was performed by an orthopedist, Dr. William Geissler. For purposes of this case, Geissler and UMMC were state actors and this tort action proceeded pursuant to the MTCA.

There was no question that the surgery was indicated as Williams had a long history of shoulder pain. She was cleared for the surgery in a pre-operative evaluation. Williams did have several pre-existing

conditions including diabetes, hypertension and obesity.

The surgery itself was uneventful. Because of Williams' pre-existing conditions, she was at risk for a pulmonary embolus. Geissler took normal precautions to address this. The surgery was done on an outpatient basis and Williams was released the same day. She was seen again 12 days later for a regular post-operative follow-up visit.

Williams had ongoing pain in her shoulder and presented to her family practice physician at UMMC, Dr. Sheree Melton, on 9-27-21. She also had swelling in her legs. Melton sent Williams to the ER and she was ultimately admitted to the hospital. Williams died a day later of a pulmonary embolus complication. She was survived by her husband, McKinley.

The Williams estate filed this MTCA lawsuit against UMMC and alleged malpractice by Geissler in failing to manage her risk of a PE complication. The estate's expert, Dr. Sonny Bal, Orthopedics, Columbia, MO, believed that Williams needed a particularized PE plan (including blood-thinning medications) that accounted for her risk factors, namely, pre-existing medical conditions, race and obesity.

Bal explained that in a post-operative shoulder presentation, there is a 13% chance of a blood clot. He also pointed to statistics that the first indicator of a PE in one-third of the cases would be death. Thus Bal explained it is critically important to take preventative measures. The plaintiff was also critical of Geissler's surgical technique that contributed to the PE risk. Finally there was a criticism of Geissler's post-operative discharge instructions. The plaintiff