

# The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

March 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.

**Auto Negligence - The plaintiff complained of a disc injury after a rear-ender and underwent a complex course of care for longstanding pain that included two ESIs, a medial branch block and five RFAs – a New Orleans jury awarded her \$1.1 million in non-economic damages, a sum the defense has since called a “runaway verdict” in a motion for a new trial**  
*Oatis v. Robert*, 17-9918

Plaintiff: Matthew R. Bourque and Brent P. Frederick, *Dudley DeBosier Injury Lawyers*, New Orleans

Defense: K. Randall Evans, *Evans & Clesi*, New Orleans

Verdict: \$1,401,790 for plaintiff

Parish: **Orleans**

Judge: Omar K. Mason

Date: 1-10-24

Stacy Oatis, then age 43, traveled on U.S. 90 on 11-21-16. As she slowed down in congestion in a Chevrolet sedan, she was rear-ended by Daniella Robert who was in a BMW sedan. It was a moderate rear-ender. There was no injury at the scene. Fault was not contested.

Oatis went to Daughters of Charity Hospital the next day where she was treated and released for a “tingling” in her neck. A few months later she had an MRI that revealed an L5-S1 disc herniation. She then began a course of care with a pain management physician, Dr. Patrick Waring.

That treatment included two ESIs, a medial branch block and five RFA procedures. There was proof from Waring that she will require one RFA

a year over the next six years. Waring also indicated that Oatis will one day require a facet fusion surgery. Oatis continues to report back pain and describes that she has “good days and bad days.”

In this lawsuit Oatis targeted Robert who was a State Farm of Texas insured with \$250,000 policy limits. Oatis also had a UM/UIM policy with State Farm. Its limits too were \$250,000. Both State Farm and State Farm of Texas were defendants at trial. If Oatis prevailed she sought medicals and future medicals as well as non-economic damages in five separate categories.

The defendants (the State Farms and Robert) contested that Oatis had sustained a serious injury. They focused there was none at the scene and Oatis continues her normal daily activities. The defense also relied on an IME, Dr. Ralph Katz, Orthopedics, Marrero.

This case was tried for three days. The jury found for Oatis and awarded medicals of \$67,013. The future medicals were \$234,777. Aaron Wolfson, Life Care Planner, quantified the cost of the ongoing care.

The non-economic damages for Oatis totaled \$1.1 million. That represented \$300,000 each for both past and future pain and suffering. Similarly her past mental anguish was \$200,000 and she took \$100,000 more for in the future. Finally for loss of enjoyment of life the award was \$200,000.

The case was originally assigned to a Medical Review Panel comprised of Drs. Gary Miller, John Oubre and Kerwin Donaldson. It concluded that Nguyen violated the standard of care. However it further concluded that error had not caused any harm to Archangel.

In defending the case at trial, Nguyen raised a significant fact dispute. She believed that when she referred Archangel to Varnado for a general cleaning, Varnado was expected to “clear” the lesion issue. Then when Archangel returned from Varnado to have the braces placed, Nguyen claimed Archangel was deceptive with her that Varnado had in fact cleared her. Thus there was no standard of care violation, the defense also seeking to apportion fault to Varnado and the plaintiff.

Nguyen (her expert at trial was Oubre from the Medical Review Panel) also contested causation. She argued that irrespective of her care, the die was cast already and the delay didn’t change the outcome. Archangel was still going to endure the same treatment course if the cancer was discovered in February of 2013 or when it actually was three months later in May.

This case was tried for four days and the jury then deliberated just thirty minutes. The jury answered separately that both Nguyen and Bayou Orthodontics had not violated the standard of care. The jury then did not reach the duties of the non-party Varnado and the plaintiff as well as apportionment or damages. A defense judgment was entered.

**University Due Process - A dual pharmacology/medical student at LSU Health Science was kicked out of medical school for alleged scientific fraud in pursuing his Ph.D. – having been expelled and facing a revocation of his Ph.D., the student sued the medical school and alleged it had deprived him of due process in expelling him**

*Hunter v. LSU Health Science*, 22-7358

Plaintiff: Ellie T. Schilling and Benjamin Flaxenburg, *Schonekas Evans McGoe & McEachin*, New Orleans

Defense: Darrin A. Patin, *Special Assistant Attorney General*, New Orleans

Verdict: \$300,000 for plaintiff and finding for plaintiff on injunctive relief

Parish: **Orleans**

Judge: Jennifer M. Medley

Date: 2-5-24

In July of 2021, Hildago Hunter was a part of a dual pharmacology/medical school program at LSU Health Science Center. Hidalgo in fact had just earned a Ph.D. in pharmacology doing a complex cardiac dissertation. He’d begin his final year of medical school that fall.

That was derailed by an investigation that began that July. A professor alleged that Hunter had falsified data as a part of his Ph.D. defense. This triggered a complex process. Over the next year there were multiple committees and layers of review. Some 24 faculty members and administrators were involved as well as 10 students. The final conclusion from LSU Health Science was that Hunter had engaged in scientific misconduct. He was expelled from medical school and the university began steps to revoke his

Ph.D.

At this juncture (before the revocation), Hunter sued LSU Health Science and alleged a variety of counts that alleged he was deprived of due process in the expulsion process. He also sought injunctive relief to restore him to medical school and prevent the revocation of his Ph.D.

The theory was very fact dense (there were many allegations made by Hunter against the school) but included that, (1) he was not meaningfully informed of the allegations at the outset, (2) the inquiring committee members were also on the investigating committee, (3) the committee members lacked relevant expertise, (4) Hunter lacked access to witness, (5) evidence was not sequestered, and (6) deciding members were conflicted. The result of these procedural errors led to his expulsion.

Hunter’s experts at trial were Shirag Shemmassian, Residency Admissions, Alan Price, Research Integrity and Ralph Litolff, Forensic Accounting. If Hunter prevailed he sought an award from the jury of compensatory and punitive damages as well as a factual finding that he was entitled to injunctive relief.

LSU Health Science replied that it provided many layers of due process and that the expulsion decision was fair, detailed and thorough – in fact that process far exceeded the required testimony as a record was built with reams of studies and hours of testimony. Moreover to the extent there were technical errors made in the process, LSU Health Science believed they were harmless. The defense experts were Haavi Morreim, Research Integrity, Knoxville, TN and Philip Monteleone, Forensic