

The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

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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.

Truck Negligence - The plaintiff

(a long-time waitress at Mel's Diner) suffered devastating and catastrophic injuries (TBI and above-the-knee leg amputation) in a serious head-on collision with a commercial vehicle – a federal jury in Lafayette awarded her nearly \$40,000,000 in damages (implicating two excess insurers) that included \$32,000,000 in a single line on the verdict form for "general damages"

LeBlanc v. BDG Trees et al, 6:21-1975

Plaintiff: Blake R. David, *Broussard David & Moroux*, Lafayette and Donovan J. O'Pry, II, *O'Pry Law Firm*, Lafayette

Defense: Michael J. Remondet and Garrett M. Boudreaux, *Jeansonne & 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

Federal: **Lafayette**

Judge: David C. Joseph

Date: 4-11-25

This litigation began with a very serious head-on collision. The defendant, Jamie Hoyos-OCamp, was driving a Dodge Ram box truck (it was a small wood-chipper type truck full of logs) for his employer, BDG Trees on LA 88 in Iberia Parish. He crossed over in front of Deborah LaBorde. LaBorde, age 60 and of Youngsville, LA, was driving a 1997 Crown Victoria sedan.

There was a serious head-on

collision that essentially destroyed the front of LeBlanc's vehicle. LeBlanc suffered horrific and catastrophic injuries. First she had a open right femur fracture as well as five broken ribs and a complex tongue laceration. LeBlanc was also left unconscious by the collision and had to be extricated from her vehicle. Liability for the crash was stipulated by the defendants.

LeBlanc was airlifted to Ochsner Lafayette where she remained for thirty days followed by three weeks of in-patient rehabilitation. She underwent seven surgeries in an attempt to save her leg. She ultimately had an above-the-knee amputation a year after the collision.

Beyond the physical injuries that could be easily seen on an x-ray, LeBlanc also suffered a TBI. It has left her with cognitive disorder, slurred speech and affected memory. The effects of the injury were devastating to LeBlanc who had previously worked for some 30 years as a waitress at Mel's Diner.

LeBlanc claim for damages was significant and included her medical bills of \$1,672,791. She also sought some \$4,000,000-plus for her life care plan. LeBlanc developed her case at trial with a team of experts who confirmed her injuries and valued her loss. They included Dr. David Weir, Neurology, Daniel Hodges, Pain Management, Michelle Castille, Prosthetics, Susan Andrews, Neuropsychology and Dr. Robert Autin, Trauma Surgery. The numbers

The jury returned a verdict and answered for Gregoire that America First breached a duty to fail to make reasonable efforts to settle the case within the policy limits. It further found the insurer knowingly misrepresented the policy to Gregoire. The verdict was also for the plaintiff that this breach caused injury to Gregoire.

Then moving to damages, Gregoire was awarded economic damages of \$446,627 with an asterisk included on the verdict form.. The jury also awarded Gregoire \$500,000 more for his emotional distress. The jury attached (apropos of nothing) a note to the verdict explaining the asterisk. It explained, the \$446,627 is to be awarded with judicial interest from the date of the judicial demand until paid and court costs including expert witness fees. The note finished with a question, "Is that okay?"

The jury also considered the penalty question. It answered for Gregoire that he was entitled to a penalty to punish the insurer for it's "egregious behavior." The penalty was \$50,000. The combined verdict (economic damages, non-economic damages and penalty) all totaled \$996,627 which was nearly 20 times the original \$50,000 coverage exposure.

What happened after the trial? What was the final judgment? There was no activity in the court record until 5-1-25, the plaintiff filed a motion to dismiss the case with prejudice. Apparently the parties resolved their differences and there was no final judgment entered. Presumably the case is closed.

Ed. Note - The jury's attached "note" was especially interesting. How often are juries attaching notes that discuss not just judicial interest, but the time

from which that interest should run? And then taking the time to make sure the plaintiff is also awarded court costs and expert witness fees? The answer is never. We were curious. Was there a lawyer on the jury panel? While this is just speculation, there was a woman (Deane Frazier) who was on the jury panel and there is a Baton Rouge lawyer with the same name. It seems probable that Ms. Frazier's legal experience led to the interesting note from the jury.

Truck Negligence - A trucker pulling a flatbed trailer was involved in a chain reaction rear-ender (he struck a pick-up truck that hit the one in front of him) that spawned two injury cases (the drivers of the two vehicles in front of the trucker) and each of those plaintiffs took substantial damages at trial

Tibbs et al v. Acme Truck Lines, 22-2669

Plaintiff: Derrick "Digger" Earles and Robert M. Marionneaux, Jr., *Laborde Earles Law Firm*, Lafayette and Kenny M. Habetz, *Kenny Habetz Injury Law*, Lafayette
 Defense: Richard J. Hymel, *Mahtook & LaFleur*, Lafayette

Verdict: \$6,126,284 for Tibbs
 \$5,270,400 for Comeaux

Parish: **Lafayette**
 Judge: Scott J. Privat
 Date: 12-12-24

This case originated with an ordinary rear-end crash. Mason Tibbs, then age 27, was stopped in traffic on Highway 90 in Lafayette. He was in a Ford F-150 pick-up truck. Behind him and also stopped in traffic was Jason Comeaux. Comeaux, age 44, was in a Ford F-250.

A moment later Blaise Broussard (in a truck tractor and pulling a flatbed trailer) could not stop in time. He rear-ended the Comeaux vehicle which was then pushed forward into Tibbs. The collision resulted in minor to moderate damage. Acme Truck Lines stipulated Broussard was solely at fault.

Tibbs went to an urgent care the next day complaining of low-back pain. He was subsequently referred to Dr. Jayme Trahan, Neurosurgery, and underwent a complex course of care for chronic low back pain. That included L4-5, L5-S1 medical branch blocks and three RFA procedures. Trahan indicated Tibbs will also require a lumbar fusion as well as extensive ongoing care.

Comeaux treated for low-back pain related to an L5-S1 disc injury. His care has included steroid injections and in October of 2022, he underwent a two-level lumbar fusion. There was proof Comeaux will require an additional surgery.

Tibbs and Comeaux (while in separate vehicles) filed this single lawsuit and sought damages from Acme Truck Lines. Their damage experts were Scott Smith, Life Care Plan and Ralph Litoff, Economist. Beyond their significant economic damages (past and future medicals primarily), the plaintiffs also sought general damages in six separate categories.

Acme Truck Lines defended the case and minimized the claimed injuries. It argued as to Tibbs through its IME, Dr. Chad Domangue, Neurosurgery, Hammond, that his complaints and the needed fusion surgery are both related to a congenital deformity and not trauma from this collision. Domangue also diminished Comeaux's injuries. The

moved for an award of costs. Why? It cited having made an offer of judgment of “new money” to Kentell of \$300,000 to settle the case. Kentell rejected it. Thus the claimed costs were those in defending the case including since having made the offer of judgment. That motion is pending and set for hearing on 6-9-25.

Premises Liability - The plaintiff tripped on a municipal sidewalk in a large hole caused by a leaking water main (so large a neighbor placed a large wooden kitchen chair to warn persons) and sustained injuries

Melan v. Jefferson Parish, 823042

Plaintiff: Jeffrey P. Green and Grant

T. Wood, *JJC Law*, Metairie

Defense: Kendale J. Thompson,
Assistant Parish Attorney, Gretna

Verdict: \$7,893 for plaintiff
(Bench verdict)

Parish: **Jefferson**

Judge: Nancy A. Miller

Date: 3-10-25

Harold Melan, age 64, was delivering Christmas presents to friends on 12-1-20. He was in Metairie on Grove Avenue near Dearborn and proceeded on the sidewalk. It was after and there was an electrical outage in the area. Thus the area was dark.

As Melan proceeded on the sidewalk, he didn't realize it had come to an end. Without warning it approached the street, the sidewalk ended in the grass. At this location there was a large hole (two to three feet deep) and two more feet in diameter. The whole which had existed for some time, had formed because of a water main leak. The sidewalk and area were under



A picture of the hole (chair sticking out) where Melan fell

maintenance of Jefferson Parish.

The hole itself was well-known to residents as a hazard. In fact the plaintiff's friend (where was delivering presents) had recently placed a large wooden kitchen chair in the hole to warn others of the danger. Of course it was dark and Melan didn't see the chair or the hole.

Melan fell into the hole. He was shaken but able to climb out of the hole. He continued to deliver his presents.

Melan subsequently treated for the aggravation of a cervical stenosis condition. He had repair surgery in November of 2021. In this lawsuit Melan sued Jefferson Parish and alleged negligence by it in failing to repair the whole. His best proof of notice (constructive or otherwise) was that the hole had existed for two years and was such a danger that a large wooden chair was placed in it.

The case was tried as a bench trial before Judge Miller. She heard proof over two days in November of 2024.

The court had its opinion a few months later and it was entered in the record on 3-10-25.

Judge Miller found that Jefferson Parish knew or should have known of the “extremely” dangerous hazard. She noted the hole itself had no purpose and especially in that it was located on a walking path where it was obscured by grass and weeds.

The court thus found for Melan on liability that Jefferson Parish was solely at fault. However the court rejected causation as to the cervical surgery, finding the more serious intervening fall incident was the most likely causal factor. Thus Melan's damages were just \$2,893 of his medicals (not accounting for the surgery) and \$5,000 more for pain and suffering. The bench verdict totaled \$7,893 and was memorialized in a consistent judgment.

A Notable Mississippi Verdict