

The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

September 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.

Truck Negligence - A

nonagenarian suffered cervical and lumber injuries in a collision with a garbage truck – a New Orleans jury valued her non-economic damages at \$720,000, which was 15.4 times her medical bills – the garbage company has since moved for a JNOV and suggested the damages were abusively high in part because of the plaintiff’s advanced age and limited life expectancy

Menzel v. Waste Connections Bayou,
23-4389

Plaintiff: Gilbert V. Andry, IV and Michael J. Winsberg, *The Andry Law Firm*, New Orleans

Defense: Jacob K. Best and M. Kathryn Mitchell, *Blue Williams*, Metairie

Verdict: \$880,625 for plaintiff

Parish: **Orleans**

Judge: Jennifer M. Medley

Date: 5-13-24

Loann Menzel, age 90, was involved in a car crash on 4-5-23 with a garbage truck. It occurred in New Orleans on Allen Touissant Boulevard at Pontchartrain Boulevard. Menzel alleged she was in the right lane when a Waste Connections Bayou garbage truck driven by Deland Red (insured by Ace-American Insurance) changed lanes and struck her 2012 Hyundai Sonata. It was a moderate impact.

This was one version of the collision. Red remembered the incident differently. He thought Menzel was passing him on the right as he began to make a turn. Menzel impeached his version as Red

testified he never saw Menzel before the impact.

However it happened there was a crash, and Menzel has since treated for neck and back pain. That treatment has included conservative care and trigger point injections. The treating Dr. Donald Dietzke, Neurosurgery, confirmed Menzel’s injuries and linked them to this crash.

In this lawsuit Menzel sought damages from Red and his employer. That included her medicals of \$46,625 (stipulated), future medicals, and non-economic damages in five categories. Waste Connections contested fault and also diminished the claimed injuries.

This case was tried for four days, and the jury deliberated just an hour. As the jury deliberated it had a question for Judge Medley: “Can we assign a percentage of fault to Menzel if we answer ‘no’ on liability as to her?” Judge Medley said they could not.

The jury’s question presaged the verdict. It found Red at fault and that his negligence had caused injury to Menzel. The jury also answered that Menzel was not negligent and thus apportioned 100% of the fault to the defendant.

The jury moved to damages. Menzel took her stipulated medicals of \$46,225, plus \$114,000 more for in the future. She took a total of \$720,000 in non-economic damages over five categories. The verdict form was odd in how it awarded damages by injury.

Menzel took \$50,000 for past

STATE OF LOUISIANA*PARISH OF OUACHITA
FOURTH JUDICIAL DISTRICT COURT

DANNY and JUANITA LEICHMAN

VS. NO. 2021-1472

DR. DOUGLAS BROWN, M.D.

FILED: August 15, 2024
Summer Wiggins
DEPUTY CLERK OF COURT

JURY VERDICT FORM

IN ANSWER to the questions propounded by the Court, as follows, we, the jury, return the following verdict:

- 1. Did plaintiffs prove by a preponderance of the evidence that the care and treatment provided by defendant, **DR. DOUGLAS BROWN**, was below the standard of care and caused injury to Danny Leichman that he would not otherwise have incurred?

Yes No

(If your answer to Question No. 1 is "no", the jury foreperson should date and sign this form in the space provided, and advise the court that a verdict has been reached. **Do not proceed to answer any further Interrogatories.** If your answer to Question No.1 is "yes", then proceed to answer Question Nos. 2 and 3.

- 2. What amount of money will reasonably compensate **DANNY LEICHMAN** for damages he incurred as a result of negligence or fault of defendant?

Physical Pain and Suffering \$ 225,000
 Mental Pain and Anguish \$ 155,000
 Medical Expenses \$ 94,361.38

- 3. Did Juanita Leichman suffer loss of consortium due to the injury to Danny Leichman?

Yes No

(If your answer to Question No. 3 is yes, then proceed to answer Question No. 4.)

- 4. What amount of money will reasonably compensate Juanita Leichman for loss of consortium?

Loss of Consortium \$ 75,000

(Please date and sign.)

[Signature]
FOREPERSON

August 15, 2024
DATE

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CLERK OF COURT

The Leichman v. Brown jury verdict

Leichman took medicals of \$94,361. His pain and suffering was \$225,000. The jury valued his mental anguish at \$155,000. Finally his wife was

awarded \$75,000 for her loss of consortium interest. The non-economic damages totaled \$455,000. The verdict totaled \$549,361. Judge

Joyce entered a judgment against Brown in the sum of \$100,000. The remaining \$355,000 in non-economic damages and the \$94,361 in medical bills were assessed to the Patient's Compensation fund.

The Louisiana Jury Verdict Reporter
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