

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 - A trucker (with narcotic prescription medications and cocaine in his system) sideswiped the plaintiff who was stopped at a red light – there was proof the plaintiff (she’s young, active and healthy) will require an L5-S1 surgery in the years to come – a jury in St. Charles Parish awarded the plaintiff \$2,000,000 in non-economic damages and \$10,000,000 more in punitives

Landry v. CEVA Logistics, 81003

Plaintiff: Przemek Lubecki and Terry B. Loup, *Morris Bart*, New Orleans

Defense: Raymond C. Lewis, *Deutsch Kerrigan*, New Orleans for CEVA Logistics

Rachel G. Webre, *Gieger Laborde & Laperouse*, New Orleans for Rodney

Verdict: \$12,468,784 for plaintiff

Parish: **St. Charles**

Judge: Connie M. Aucoin

Date: 3-24-22

Kristyn Landry, then age 27, was stopped at a red light on 3-17-15 on U.S. 90. Jeremiah Rodney approached the scene in a tractor-trailer. He was working for CEVA Logistics. There was proof Rodney was under the influence of prescription medications including Xanax. He’d also used cocaine two nights earlier and cocaine metabolites were still in his system.

Rodney lost control of his truck. He sideswiped the stopped Landry. Rodney then struck a second vehicle driven by Elizabeth Johnson before veering into yet a third vehicle operated by Rebecca Matherne. Both

Johnson and Matherne pursued and then settled personal injury claims against Rodney and CEVA Logistics. This case would concern Landry’s personal injury claim.

While there was no injury at the scene, Landry went home and her mother later drove her to the ER. Landry has since treated for low-back pain. That treatment included a course of 38 physical therapy sessions.

The then-treating Dr. Keith Melancon, Orthopedics (since deceased) identified both a cervical disc injury and an L5-S1 disc injury. Melancon also indicated that as Landry ages (likely by the time she is 50), she’ll require surgical repairs at both levels. These theories were echoed by her subsequent treating orthopedist, Dr. Samir Shamieh.

Landry remains active and is sometimes a Zumba dance instructor. However she continues to report ongoing pain. Her medical bills were \$18,784 and she sought additional sums for future care. Her forensic economist was Shael Wolfson. She could also take general damages in one of two categories: (1) pain and suffering, and (2) loss of enjoyment of life.

Landry also sought to impose punitive damages against both Rodney and CEVA Logistics. The case was simple enough against Rodney – he had drugs (both legal and illicit) in his system at the time of the crash. The plaintiff’s toxicology expert was William George, New Orleans. Landry also alleged CEVA Logistics

contributed to or could have prevented Landry's intoxicated driving.

The defendants initially moved for summary judgment. The then-presiding Judge Emile St. Pierre granted summary judgment on the claim for punitive damages against CEVA Logistics. St. Pierre held that punitives are to blame the offender and "none other." Landry appealed. The Fifth Circuit reversed in December of 2019 and wrote that there were fact disputes as to CEVA Logistics' role.

CEVA Logistics and Rodney defended the case and first diminished the claimed injury. That included noting there was no initial injury and that Landry has only suffered relatively minor symptoms. The defense IME was Dr. Everett Robert, Orthopedics who diminished the claimed injury.

The defendants also contested the imposition of punitive damages. Rodney particularly explained that the Xanax was legally prescribed – he also thought the cocaine issue was a red herring. He'd used cocaine the Sunday before this Tuesday crash and was not intoxicated at the time. CEVA Logistics also distanced itself from Rodney's admittedly reprehensible conduct.

While the defendants (Rodney and CEVA Logistics) were generally aligned in their defense of the case (although they contested the imposition of punitive damages on somewhat different grounds), they did have separate lawyers. Lewis represented CEVA Logistics while Rodney's attorney was Webre.

This case was tried for four days. The jury answered for Landry that the defendant was more "probably than not" at fault and that this fault

was a "legal cause" of the claimed injuries. Landry then took medicals of \$18,784 plus \$450,000 more for future care.

The jury continued and awarded Landry \$1,000,000 each for both pain and suffering and loss of enjoyment of life. The jury then made two key findings related to exemplary damages. The first was that Rodney had acted wantonly or recklessly. The second finding implicated CEVA Logistics, the jury answering that it contributed to or could have prevented Rodney's intoxicated or impaired driving.

Thus the jury would reach punitives against both Rodney and CEVA Logistics. It awarded the plaintiff \$10,000,000 for this element of damages. The verdict for Landry totaled \$12,468,784. A consistent judgment has since been entered. The parties also dismissed National Union Insurance (CEVA Logistics' insurer) by agreement because it had already paid its \$2,000,000 policy limits to the other two drivers (Johnson and Matherne) struck by Rodney in this crash.

The defendants have since filed three JNOV motions. The first challenged that the general damages were excessive and cited that the wreck was minor and Landry's injuries were relatively modest. In fact Landry had described her discomfort as akin to "background noise."

The second JNOV motion challenged the punitive damages. It was argued they were excessive and unconstitutional. Moreover the drugs in Rodney's system were prescribed and the cocaine was from a few days before – thus he wasn't unlawfully impaired.

The final JNOV motion (filed by

CEVA Logistics alone) contested the finding that it was responsible for Rodney's intoxication. This defendant argued that the company didn't know of his use of drugs nor could it have known. All three motions were pending at the time of this report.

Truck Negligence - Three plaintiffs were injured (one more seriously than the other two and requiring a cervical fusion) in a tractor-trailer lane incursion collision – while the defense had been prepared to offer proof from an expert that the accident was most likely staged, the trial court excluded that evidence

Stubbs et al v. Lovern & Lovern

Trucking, 2:18-8881

Plaintiff: Vanessa Motta, *Motta Law*, New Orleans

Defense: Andre C. Gaudin and Joseph J. Valencino, III, *Burglass & Tankersley*, Metairie

Verdict: \$920,000 for Stubbs
\$125,000 for Bahan
\$118,000 for Turner

Federal: **New Orleans**

Judge: Jay C. Zainey

Date: 5-26-22

There was a lane incursion crash in New Orleans on 9-27-17 on I-10 near the Elysian Fields exit that involved a tractor-trailer. Terry Baham traveled in the center lane in a Ford F-250 pick-up truck. Baham's passengers were Yalonda Stubbs and Stephen Turner.

Next to the Baham vehicle in traffic was Timmy Moore. He was driving a tractor-trailer for Lovern & Lovern Trucking. They are a National Fire & Marine Insurance insured. Moore suddenly changed lanes and struck the Baham vehicle. The occupants (Baham, Stubbs and Turner) would recall it was a violent jolt. For Moore's