

Louisiana Advocates

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Verdicts and Settlements

Wreck; severed spinal cord, severe brain injury; \$30.6 million judgment

Twenty-eight-year-old plaintiff was traveling home from work on his motorcycle on an interstate. Defendant driver, who was in a company tire service truck, failed to timely notice signs indicating that the exit he intended to use was closed and then abruptly slowed his vehicle, which was in the left lane, in order to make an illegal turn through the interstate median in an area intended for "authorized vehicles only."

Plaintiff rear-ended the truck as it began the turn. Plaintiff's spinal cord was severed at the T2-T3 level and he sustained a severe brain injury and numerous other injuries, including fractures to his extremities and back. Plaintiff, who is married with two children and earned more than \$72,000 annually as a mechanic, now requires twenty-four-hour attendant care. His speech, cognitive ability, and the function of his upper extremities have greatly improved due to the dedication of his parents and a rehabilitation facility in Houston.

Vicarious liability and independent negligence claims were made against the defendant company, and it was alleged that the truck was defective. The trial court entered a default judgment against defendants on plaintiffs' liability claims and struck defendants' defenses due to spoliation and discovery abuse. Plaintiffs' motions included allegations that the defendant failed

to disclose photographs showing the truck's left rear taillight was taped at the time of the wreck and that the tape was removed before plaintiffs' expert had the opportunity to inspect the truck despite a court order to the contrary.

Plaintiff also alleged defendants tampered with the taillights, including replacing bad taillight bulbs before plaintiffs' experts inspected the truck.

Defendants also, despite being asked in discovery and by the court, failed to disclose that their liability expert rendered a report that was damaging to defendants on several significant issues. The expert subsequently issued another report that contradicted his initial report. The liability expert denied issuing the earlier narrative report.

Defendants furnished inconsistent information throughout the discovery process.

After the trial court's entry of default judgment, the case settled for \$30,641,914.74.

Holton, et al. v. Southern Tire Mart, LLC, et al., No. 2008-4061, 14th JDC, Calcasieu Parish, 3/22/12

Plaintiffs' counsel: Steven Broussard, Randy Hart, and Aaron Broussard, Broussard & Hart, LLC, Lake Charles; Todd Townsley, The Townsley Law Firm, Lake Charles

Worker hit on the head; brain, back, other injuries; \$4.66 million verdict

Plaintiff, a forty-six-year-old truck driver, delivered a load of copper to defendant's warehouse facility. While he was unstrapping the load, the forklift operator who was unloading plaintiff's truck dropped a bundle of copper that was just unstrapped. The copper fell on an eight-foot-long four-by-four board, and the board hit plaintiff in the head.

As a result of the impact, plaintiff suffered mild traumatic brain injury with complications, a herniated cervical spine disk, a herniated lumbar disk, carpal tunnel syndrome, broken nose, and shoulder injury. Plaintiff's treating doctors recommended surgery for his herniated disks.

Plaintiff filed suit, alleging negligent operation of the

Dr. Cornelius E. Gorman Dr. Shelly N. Savant

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