

# Louisiana



## VERDICT FOR THE DEFENSE!

### JNOV DENIED!



*Amy Dunn Hotard*



*Stephen Resor*

Auto Negligence – On April 14, 2016 Huey Antill was driving on West Esplanade in Kenner, Louisiana. As he approached a traffic light at the intersection with Power Boulevard, the light turned yellow. Antill hit the brakes and stopped between two lights in the intersection. Behind him in traffic was John Halder. Halder, a State Farm insured, could not stop in time and rear-ended Antill. Antill treated for multiple injuries and headaches. It was claimed he was suffering from post-concussive symptoms. When he was referred to a neurosurgeon, he was found to have an L5-S1 disc injury.

He was deemed a candidate for surgery, but causation was in dispute. The incurred medical bills were \$46,842 with a claim for future medicals well above \$100,000.00. Antill sued Halder and blamed him for the crash. Antill's theory was simple – Halder was speeding and rear-ended him. The defense asserted that Antill shared some blame for stopping short. The defense also diminished damages with an IME, Dr. Everett Robert, Neurosurgery, Metairie. The expert noted that, (1) Antill had a history of pre-existing symptoms, (2) Antill was involved in both prior and subsequent MVAs, and (3) at worst in this case, Antill suffered a temporary aggravation of those pre-existing conditions. This case was tried for three days. As the jury deliberated the case, it asked the court for a calculator. Returning with a verdict, the jury was mixed on fault. It assessed 85% to

Halder and 15% to the plaintiff. Then to damages, Antill took medical of \$46,842 as claimed and the jury implicitly rejected future care. Antill took \$5,000 for pain and suffering and \$12,000 more for mental anguish. The raw verdict totaled \$58,842. A consistent judgement less comparative fault was entered for Antill in the sum of \$50,016. Antill has since moved for JNOV and/or additur relief. He argued that, (1) Halder was solely at fault, and (2) the damages were inadequate. The JNOV has since been denied. Prior to trial, an Offer of Judgment was made by defendants which exceeded the verdict by more than 25% and a Motion for Judgment on Offer of Judgment was filed to recover and save costs in favor of defendants. That Motion is pending as of the time of this article.