

**TAMATHA FAUL** : NUMBER C651273 SECTION "25"  
**VERSUS** : 19<sup>TH</sup> JUDICIAL DISTRICT COURT  
**LOUIS ROBINSON,**  
**ALLSTATE INSURANCE** : PARISH OF EAST BATON ROUGE  
**COMPANY, and STATE**  
**FARM MUTUAL AUTOMOBILE**  
**INSURANCE COMPANY** : STATE OF LOUISIANA

**JOINT PRETRIAL ORDER**

NOW INTO COURT COME Plaintiff TAMATHA FAUL and Defendant ALLSTATE INSURANCE COMPANY, who submit the following proposed Pretrial Order in the above captioned matter.

**A. PLAINTIFF'S STATEMENT OF CONTENTIONS:**

This case arises from an accident that occurred on September 19, 2015 in Baton Rouge, Louisiana, wherein Allstate's insured crashed his 2002 Chevrolet Suburban into the rear of the vehicle in which Mrs. Faul was a passenger. The impact caused Tamatha Faul immediate pain in her neck, radiating into the back of her head and into her shoulders. Defendant Louis Robinson, who admitted freely that he had been looking at his GPS, was cited with La. R.S. 32:81, following too closely.

Tammie Faul advised the investigating officer at the scene that she was not doing well, but declined emergency care, opting to see her own doctor. She saw Dr. Martin Langston on October 7, 2015, complaining of cervical and lumbar pain following the accident that had occurred two or three weeks before. She treated conservatively with Dr. Langston through May of 2016; however, her symptoms continued to worsen, and the pain was beginning to affect her everyday activities and her work. She underwent a cervical fusion, performed by Dr. Richard Stanger, in June of 2016, after which a second surgery (a C7-T1 laminotomy, foraminotomy) was performed on August 24, 2016. Shortly after the second surgery, she developed a Staph infection at the surgical site and was hospitalized for drainage and IV antibiotics for 7 days. She was discharged home with a PICC line and IV antibiotics, which she had to administer herself through the PICC line, three times a day. These treatments took one hour each to administer, and Plaintiff underwent these treatments for six (6) weeks, after which the PICC line was removed. To this day, she is still experiencing extreme

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neck pain for which she has seen Dr. Langston for additional visits. Mrs. Faul missed work the months of June, July, August, September, and October, returning for ½ days on November 1, 2016. Her doctor allowed her to return to work full time two weeks later. Mrs. Faul's entire life has been affected by this accident. Although she had been treating conservatively for neck and pack pain in the years prior to this accident, she had been able to manage the pain with epidural steroid injections and medications, and she was working full time and many overtime hours every year. Since the accident, her pain has become unbearable, thus resulting in the surgeries, and she continues to experience symptoms.

**B. DEFENDANTS' STATEMENT OF CONTENTIONS:**

Defendant, Allstate Insurance Company, submits that the instant litigation stems from a two (2) vehicle collision that took place on or about September 19, 2015, in East Baton Rouge Parish, State of Louisiana. The subject incident involved a 2002 Chevrolet Suburban owned and operated by Louis Robinson and a 2016 BMW X4 owned and operated by Lawrence Fauchaux. It is alleged that the Robinson vehicle rear-ended the Fauchaux vehicle in which the plaintiff, Tamatha Faul, was riding as a guest passenger. The instant litigation was instituted when Tamatha Faul filed suit against Louis Robinson, Allstate Insurance Company, and State Farm Mutual Automobile Insurance Company.

On and prior to the date of the subject accident, Allstate Insurance Company had effective a policy of automobile insurance, policy number 992 106 774 issued to Louis Robinson and Carol Robinson, providing combined single liability limit coverage for bodily injury of \$500,000.00 per person/per occurrence, and having issued such policy of insurance containing many conditions, provisions and exclusions limiting and defining the coverage afforded by the policy.

On and prior to the date of the subject accident, State Farm Mutual Automobile Insurance Company had effective a policy of automobile insurance issued to Lawrence Fauchaux, providing uninsured motorist coverage and having issued such policy of insurance containing many conditions, provisions and exclusions limiting and defining

the coverage afforded by the policy. State Farm Mutual Automobile Insurance Company was dismissed from this suit, without prejudice, on November 28, 2016.

Defendant specifically denies all liability alleged against it. In the event, and only the event, defendant is found to be liable as to any allegations alleged by plaintiff in any pleadings and/or any portion of her claims, then in such event, defendant has affirmatively plead the benefit of comparative negligence against plaintiff and any other person(s) whether named or unnamed to the subject lawsuit, in a reduction to any liability in favor of plaintiff for any proven claim for damages.

Furthermore, defendant has affirmatively plead entitlement to a credit or offset of any sums paid to plaintiff by a person, firm, or insurer liable to plaintiff for all or any portion of plaintiff's damages, if any.

Defendant has also affirmatively pled the failure of plaintiff to mitigate damages and reserves the right to present evidence to prove such failure to mitigate.

**C. CONTENTIONS OF OTHER PARTIES:**

None.

**D. ESTABLISHED FACTS**

1. A two (2) vehicle collision took place on or about September 19, 2015, in East Baton Rouge Parish, State of Louisiana. The subject incident involved a 2002 Chevrolet Suburban owned and operated by Louis Robinson and a 2016 BMW X4 owned and operated by Lawrence Fauchaux. It is alleged that the Robinson vehicle rear-ended the Fauchaux vehicle in which the plaintiff, Tamatha Faul, was riding as a guest passenger.
2. On and prior to the date of the subject accident, Allstate Insurance Company had effective a policy number 992 106 774 issued to Louis Robinson and Carol Robinson, providing combined single liability limit coverage for bodily injury of \$500,000.00 per person/ per occurrence and having issued such policy of insurance containing many conditions, provisions and exclusions limiting and defining the coverage afforded by the policy.

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3. On and prior to the date of the subject accident, State Farm Mutual Automobile Insurance Company had effective a policy of automobile insurance issued to Lawrence Fauchaux, providing uninsured motorist coverage and having issued such policy of insurance containing many conditions, provisions and exclusions limiting and defining the coverage afforded by the policy.
4. State Farm Mutual Automobile Insurance Company was dismissed from this suit, without prejudice, on November 28, 2016.

**E. CONTESTED ISSUES OF FACT**

**PLAINTIFF'S CONTESTED FACTS:**

All those inherent in the pleadings, the facts and the contentions of the parties.

**DEFENDANTS' CONTESTED FACTS:**

All facts pertinent to the determination as to the nature and extent of plaintiff's injuries and damages are being contested.

**CONTESTED ISSUES OF LAW**

**PLAINTIFF'S CONTESTED ISSUES OF LAW:**

All those inherent in the pleadings, the facts and the contentions of the parties, but not limited to La. C.C. 2315 et seq. and all jurisprudence thereunder.

**DEFENDANTS' CONTESTED ISSUES OF LAW:**

All those inherent in the pleadings on file as they relate to the contested issues of fact above.

**F. EXHIBITS**

**PLAINTIFF'S EXHIBITS:**

1. Medical records and/or reports, x-rays and/or MRI study films, CT scan films, EMG/NCS graphs, interpretive reports relating to the foregoing studies, and any other such diagnostic tests relative to the medical for the Plaintiff from any medical provider including, but not limited to the following:

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- a) Neuromedical Center Clinic (Drs. Langston, Stanger, and/or others);
- b) The Spine Hospital of La.;
- c) Imaging Center of La.;
- d) Our Lady of the Lake;
- e) Superior Home Health Care, Inc.;
- f) National Infusion Services;
- g) Medworx Home Medical Supplies, LLC;
- h) Magnolia Medical LLC;
- i) Dr. Brian C. Mackey;
- j) Dr. Patrick D. Tucker;

2. Medical bills relative to the medical treatment of the Plaintiff from any medical provider, including, but not limited to the following:

- a) Neuromedical Center Clinic (Drs. Langston, Stanger, and/or others);
- b) The Spine Hospital of La.;
- c) Imaging Center of La.;
- d) Our Lady of the Lake;
- e) Superior Home Health Care, Inc.;
- f) National Infusion Services;
- g) Medworx Home Medical Supplies, LLC;
- h) Magnolia Medical LLC;
- i) Dr. Brian C. Mackey;
- j) Dr. Patrick D. Tucker;
- k) BCBS EOBs for additional billing;

3. Medical billing printout;

4. Any other medical record or billing received prior to trial;

5. Photographs of the scene and/or of any of the parties to this suit (before and/or after the accident of September 19, 2015);

6. Documents showing lost wages of Plaintiff, including, but not limited to: correspondence from Human Resources Department of Hannis T.

Bourgeois dated August 29, 2017, and email chain dated Oct. 13, 2017 regarding Plaintiff's lost overtime hours/lost overtime income due to the injuries she suffered in this accident;

7. State of Louisiana Uniform Motor Vehicle Traffic Crash Report No. 20150038315 prepared by Trooper Burnell Thompson;
8. Transcripts of any statements, deposition or parts thereof, of any parties and/or lay/expert witnesses in this action to the extent permitted by the Louisiana Code of Civil Procedure and Louisiana Code of Evidence, including, but not limited to:
  - a) Deposition transcript of Dr. Martin Langston of the Neuromedical Center Clinic;
  - b) Deposition transcript of Dr. Richard Stanger of the Neuromedical Center Clinic;
  - c) Deposition transcript and/or video of the trial deposition of Dr. Najeeb Thomas;
9. Declarations page of the policy of insurance and copy of the automobile insurance policy issued by Allstate Insurance Company to Louis Robinson and Carol Robinson, policy number 992 106 774;
10. Any and all pleadings, statements, discovery responses and discovery propounded to and/or by the plaintiff and/or Defendant in this matter and any other relevant pleadings exchanged in this matter, to the extent permitted by Louisiana Code of Civil Procedure and Louisiana Code of Evidence;
11. Any and all documents attached to any deposition taken in this matter;
12. Any other depositions taken for the purpose of trial;
13. Any and all expert reports produced by any expert in this matter;
14. Any document relied upon by any expert in this matter;
15. Any records or reports of any independent medical examinations of plaintiff yet to be produced;
16. A blackboard, poster board, or projector during the trial of this matter;

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17. Authoritative/Recognized medical treatises, texts, articles, and/or excerpts thereof/therefrom to the extent permitted by the Louisiana Code of Evidence; and any document or exhibit identified or introduced by any party to this pleading;
18. Any and all other documents and exhibits listed and/or introduced by any other party or added to this list with leave of Court; and
19. Any document or exhibit necessary for rebuttal.

Plaintiff reserves the right to amend and/or supplement her exhibit list at any time prior to the trial of this matter.

**DEFENDANTS' EXHIBITS:**

1. A copy of any and all insurance policies at issue in the entire litigation, including but not limited to the Allstate Insurance Company policy and the State Farm Mutual Automobile Insurance Company policy.
2. Any and all medical records/documents/reports and/or medical bills related to plaintiff's treatment, diagnosis, care, examination or medical assistance by any of the plaintiff's healthcare providers at any time whether prior or subsequent to the subject accident, including, but not limited to: Dr. Najeeb Thomas and/or representatives of Southern Brain and Spine; Dr. Jeri Johnson and/or representatives of Our Lady of the Lake Regional Medical Center; Dr. Martin Langston, Dr. Nyboer, Dr. Kelly Scrantz, Dr. Pham, Dr. Stanger and/or representatives of The Neuromedical Center; Dr. Stephen Gick and/or representatives of Ochsner Health Baton Rouge; Dr. Brian Mackey and/or representatives of Intermountain Healthcare; Dr. Patrick Tucker; Representative(s) of Spine Hospital of Louisiana; Representative(s) of Neuro Technology Institute; Representative(s) of Bone & Joint Clinic; Representative(s) of Spine Hospital of Louisiana; Representative(s) of Baton Rouge General; Representative(s) of Baton Rouge Orthopaedic; Representative(s) of Ochsner Health System; Representative(s) of Anesthesiology Group; Representative(s) of Baton Rouge Radiology Group; Representative(s)

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of Baton Rouge General Surgical Associates; Representative(s) of Surgical Specialty Center; Representative(s) of Imaging Center of Louisiana; Representative(s) of Imaging Center of Baton Rouge; Representative(s) of Magnolia Medical; Representative(s) of Medwork Home Medical Supplies; Representative(s) of National Infusion Services; Representative(s) of Lake Primary Care for Women; Representative(s) of Total Rehab Clinic; Representative(s) of Superior Home Health; Representative(s) of Moreau Physical Therapy; Representative(s) of Eckerd Drug; Representative(s) of Walgreens Pharmacy; Representative(s) of McGee's Pharmacy; Representative(s) of Wal-Mart Pharmacy; Representatives(s) of Woman's Hospital; Representative(s) of The Heart Clinic; Representative(s) of ENT Medical Center; Representative(s) of Lake After Hours; Representative(s) of Franciscan Missionaries of Our Lady Health Center; and Representative(s) of St. Elizabeth Hospital;

3. Any and all photographs relative to this matter including, but not limited to, any photographs of the accident scene, persons involved in the accident, and vehicles involved in the accident;
4. Any and all property damage documents relative to the subject accident;
5. Any and all statements, depositions (video/written/or otherwise) or other such documents relative to this matter;
6. Any and all pertinent insurance policies;
7. Copies of any documentation showing any payment made and received by plaintiff for alleged injuries and/or damages sustained in the subject accident;
8. Any and all police reports or dispatch records relative to any accident involving plaintiff whether prior or subsequent to the subject accident;
9. Any and all property damage documents relative to any accident involving plaintiff whether prior or subsequent to the accident;

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10. Copies of any expert written reports by a person who respondent or any other parties seek to offer as an expert at trial;
11. Any and all pleadings in this, or any other, lawsuit in which plaintiff is/has been involved;
12. Any discovery propounded to a party in the litigation and responses thereto;
13. Any documents/evidence listed and/or introduced by any other party to this proceeding;
14. Any and all impeachment material;
15. Copies of any deposition transcript(s) of a party and/or witness not available for a trial;
16. Any trial deposition taken in this matter (including exhibits attached thereto);
17. Any and all documentation used by any witness testifying in Court; and
18. All documents exchanged between parties.

Allstate Insurance Company reserves the right to amend and supplement this list at any time prior to trial.

#### **EXHIBIT AUTHENTICITY**

The Parties have not stipulated to the authenticity of any exhibits at this time.

#### **H. WITNESSES**

##### **PLAINTIFF'S WITNESSES:**

Plaintiff may/will introduce the following witnesses at the trial of this matter:

1. Plaintiff, Tamatha Faul, regarding the facts and circumstances, injury and damages complained of;
2. Robert Faul, plaintiff's husband, regarding the facts and circumstances, injury and damages complained of by Tamatha Faul;
3. Kelley Fauchaux, plaintiff's step-daughter, regarding the facts and circumstances, injury and damages complained of by Tamatha Faul;
4. Lawrence Fauchaux, plaintiff's son-in-law, regarding the facts and circumstances, injury and damages complained of by Tamatha Faul;
5. Melinda Grace, plaintiff's sister, regarding the injury and damages complained of by Tamatha Faul;

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6. Dr. Martin Langston (live or by deposition testimony), regarding his treatment of Tamatha Faul for the injuries complained of;
7. Dr. Richard Stanger (live or by deposition testimony), regarding his treatment of Tamatha Faul for the injuries complained of;
8. Representative of Spine Hospital of Louisiana, regarding its treatment of Tamatha Faul for the injuries complained of and its billing for said treatment;
9. Representative of Imaging Center of Louisiana, regarding the MRIs performed on Tamatha Faul due to the injuries complained of and its billing for said treatment;
10. Representative of Superior Home Health Care, Inc., regarding their care and treatment of Tamatha Faul for the injuries complained of and their billing for said treatment;
11. Representative of Durable Medical Equipment, regarding the equipment sold for treatment of Tamatha Faul for the injuries complained of and the billing for said equipment;
12. Representative of Our Lady of the Lake, regarding their care and treatment of Tamatha Faul for the injuries complained of and their billing for said treatment;
13. Representative of National Infusion Services, regarding the products sold for the care and treatment of Tamatha Faul for the injuries complained of and their billing for said products;
14. Representative of Medworx Home Medical Supplies, regarding the products sold for the care and treatment of Tamatha Faul for the injuries complained of and their billing for said products;
15. Representative of Magnolia Medical, LLC, regarding the products sold for the care and treatment of Tamatha Faul for the injuries complained of and their billing for said products;
16. Dr. Brian C. Mackey, regarding his care and treatment of Tamatha Faul for the injuries complained of and his billing for said treatment;
17. Dr. Patrick D. Tucker, regarding his care and treatment of Tamatha Faul for the injuries complained of and his billing for said treatment;
18. Representative of Neuromedical Center Clinic who will authenticate the billing for the treatment of Tamatha Faul for the injuries complained of;
18. Trooper Burnell Thompson and/or other representative of La. State Troopers, Troop A;
19. Representative of Hannis T. Bourgeois, LLP;
20. Louis Robinson, on cross;
21. Any witness or expert listed or called by any other party;
22. Any IME physician whose report has not yet been produced;
23. Any individual learned of through documents yet to be produced;

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24. Any witness needed for rebuttal; and
25. Any witness needed to authenticate any document, record, or exhibit introduced at trial.

Plaintiff reserves the right to supplement and/or amend her witness list until the trial of this matter.

**DEFENDANTS' WITNESSES:**

1. Louis Robinson;
2. Tamatha Faul;
3. Robert Faul;
4. Lawrence Fauchaux;
5. Kelley Fauchaux;
6. Louisiana State Trooper Burnell Thompson, Badge No. 2455;
7. A representative(s) of Hannis T. Bourgeois, LLP;
8. A representative(s) of Allstate Insurance Company;
9. A representative(s) of State Farm Mutual Automobile Insurance Company;
10. Any doctor or healthcare provider who has treated or examined plaintiff prior to or subsequent to the subject accident and/or their custodians of records including, but not limited to:
  - a) Dr. Najeeb Thomas and/or representatives of Southern Brain and Spine;
  - b) Dr. Jeri Johnson and/or representatives of Our Lady of the Lake Regional Medical Center;
  - c) Dr. Martin Langston and/or representatives of The Neuromedical Center;
  - d) Dr. Nyboer and/or representatives of The Neuromedical Center;
  - e) Dr. Kelly Scrantz and/or representatives of The Neuromedical Center;
  - f) Dr. Pham and/or representatives of the Neuromedical Center;
  - g) Dr. Stanger and/or representatives of The Neuromedical Center;
  - h) Dr. Stephen Gick and/or representatives of Ochsner Health Baton Rouge;
  - i) Dr. Brian Mackey and/or representatives of Intermountain Healthcare;
  - j) Dr. Patrick Tucker;

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- k) Representative(s) of Spine Hospital of Louisiana;
- l) Representative(s) of Neuro Technology Institute;
- m) Representative(s) of Bone & Joint Clinic;
- n) Representative(s) of Spine Hospital of Louisiana;
- o) Representative(s) of Baton Rouge General;
- p) Representative(s) of Baton Rouge Orthopaedic;
- q) Representative(s) of Ochsner Health System;
- r) Representative(s) of Anesthesiology Group;
- s) Representative(s) of Baton Rouge Radiology Group;
- t) Representative(s) of Baton Rouge General Surgical Associates;
- u) Representative(s) of Surgical Specialty Center;
- v) Representative(s) of Imaging Center of Louisiana;
- w) Representative(s) of Imaging Center of Baton Rouge;
- x) Representative(s) of Magnolia Medical;
- y) Representative(s) of Medwork Home Medical Supplies;
- z) Representative(s) of National Infusion Services;
- aa) Representative(s) of Lake Primary Care for Women;
- bb) Representative(s) of Total Rehab Clinic;
- cc) Representative(s) of Superior Home Health;
- dd) Representative(s) of Moreau Physical Therapy;
- ee) Representative(s) of Eckerd Drug;
- ff) Representative(s) of Walgreens Pharmacy;
- gg) Representative(s) of McGee's Pharmacy;
- hh) Representative(s) of Wal-Mart Pharmacy;
- ii) Representative(s) of Woman's Hospital;
- jj) Representative(s) of The Heart Clinic;
- kk) Representative(s) of ENT Medical Center;
- ll) Representative(s) of Lake After Hours;
- mm) Representative(s) of Franciscan Missionaries of Our Lacy Health System; and
- nn) Representative(s) of St. Elizabeth Hospital.

**I. OTHER MATTERS:**

None.

**J. ESTIMATED LENGTH OF TRIAL**

The parties believe this matter can be tried to a jury in three (3) days.

**K. CERTIFICATION:**

We hereby certify that we have conferred for the purpose of preparing this pretrial order; and, that we shall promptly attend a Court conference, should it be assigned in this case.

*Plaintiff and Defendant reserve the right to amend/supplement this Joint Pre-Trial Order with the permission of the judge and consent of all counsel.*

Respectfully submitted:



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