

JOSHUA SIMPSON

31ST JUDICIAL DISTRICT COURT

VS. NO. C-628-15

PARISH OF JEFFERSON DAVIS

UV INSURANCE RISK RETENTION GROUP, INC., ET AL.

STATE OF LOUISIANA

JURY VERDICT FORM

(1) Do you find that the defendants, UV Logistics, LLC, Specialty Transport Group, LLC and/or Kenny Ray Young, were negligent?

YES NO

If you answered "NO", please sign the verdict form and return it to the bailiff. If you answered "YES", please go to number 2.

(2) Do you find that the negligence of the defendants, UV Logistics, LLC Special Transport Group, LLC, and/or Kenny Ray Young, was a cause of any injury to the plaintiff, Joshua Simpson?

YES NO

If you answered "NO", please sign the verdict form and return it to the bailiff. If you answered "YES", please go to number 3.

(3) Do you find that the plaintiff, Joshua Simpson, was negligent?

YES NO

If you answered "YES", please go to number 4. If you answered "NO", please go to number 5.

(4) Please state the percentages of negligence, if any, attributable to the following. **NOTE: The total of your percentages must be 100%.

Defendants	_____	%
Plaintiff	_____	%
	<u>100%</u>	

(5) For the plaintiff, please indicate the amount of damages (in dollars) you find fair and reasonable for the following (do not deduct for percentage of fault):

(a) Past medical expenses	\$ 117,174
(b) Future medical expenses	\$ 171,739
(c) Past Loss of Income & Earning Capacity	\$ 148,720
(d) Future Loss of Income & Earning Capacity	\$ 371,800
(e) Past Pain, Suffering, & Mental Anguish	\$ 80,000
(f) Future Pain, Suffering, & Mental Anguish	\$ 300,000
(g) Past Loss of Enjoyment of Life	\$ 60,000
(h) Future Loss of Enjoyment of Life	\$ 150,000

Signed this 14th day of February, 2019, in Jennings, Jefferson Davis Parish, Louisiana.

Bayiana Daigle
JURY FOREPERSON

FILED THIS 14 DAY
OF February 2019
Will Jones
BY CLERK OF COURT
JEFFERSON DAVIS PARISH

Case Summary provided by Blake David

J.S. v. United Vision Logistics, et al (La. 31st JDC, Jefferson Davis Parish, 2/14/2019)

An oversized United Vision Logistics tractor trailer crossed the center line striking the box truck operated by plaintiff. Another United Vision driver behind the collision testified that plaintiff was attempting to pass illegally and fled the scene. Evidence at trial showed that the United Vision driver failed to properly check his mirrors before changing lanes and that this particular load required an escort because, including the securing chain, it was one inch over the permissible width.

Though the sideswipe happened at interstate speeds, the impact resulted in barely noticeable minor scratches to the sides of the involved vehicles.

Plaintiff denied injury at the scene. He went to the ER four days later with neck pain. He subsequently had a two level cervical fusion. After four years of care, he had \$117,000 in past medical expenses. An FCE limited him to light duty work. Plaintiff had a ninth grade education and worked in primarily medium to heavy duty, cash paying jobs.

The plaintiff had suffered neck injury in two prior motor vehicle accidents. Specifically, the plaintiff treated for severe neck pain for 16 months prior with narcotic pain medication up until five months before this collision (but had not undergone prescribed MRI). Of note, plaintiff's psychologist testified that after this crash he began using marijuana illegally for his pain and depression (one to four joints per day) and did so through trial. Plaintiff's orthopedic surgeon reported that plaintiff admitted getting opioids beyond his prescription on the black market.

The Jefferson Davis Parish jury awarded \$490,000.00 in general damages, \$288,913.00 in past and future medical expenses, and \$520,520.00 in past and future lost earnings/earning capacity. Before the verdict, the only defense offer was a \$50,000 offer of judgment that was withdrawn. Plaintiff's La. CCP 970 offer of judgment before trial will require defense to pay all costs leading up to trial as well. With judicial interest and costs, the total judgment will be well over \$1,500,000.00.

The four day jury trial took place in Jefferson Davis Parish, with only one juror sharing minority status with the plaintiff.

JOSHUA SIMPSON

* 31ST JUDICIAL DISTRICT COURT

*

VERSUS

* DOCKET NO. C-062815

*

UV INSURANCE RISK RETENTION
GROUP, INC., ET AL

*

* JEFFERSON DAVIS PARISH, LOUISIANA

PRE-TRIAL MEMORANDUM

Defendants' adopt Plaintiff's Pre-Trial Memorandum as it relates to the parties and attorneys of record.

I. DEFENDANTS' CLAIMS

Defendants claim that the accident was caused solely by Plaintiff's fault. He was in a hurry to deliver doors to businesses in Lake Charles. He illegally tried to pass Kenny Young's with an oversized load using the left shoulder. Had he simply waited a little while for Mr. Young's truck to move entirely back into right travel lane, the accident would not have occurred.

When Plaintiff illegally passed Mr. Young's truck, the passenger rearview mirror on Plaintiff's truck was folded in, but no glass was broken. There was minor scratched paint on Plaintiff's box truck and on one of the tanks Mr. Young was hauling. Plaintiff denied injury at the scene and at work that day. Plaintiff was not injured in this accident.

Plaintiff has had numerous prior accidents, where he injured his neck - - the same injury here. He had extensive treatment on his neck from November of 2012 through January of 2014. Evidence suggests that he continued to take pain medication after his other lawsuit settled and obtained the pain medication on the black market. Dr. Muldowny acknowledged all of the conditions on the cervical MRI likely pre-dated our accident and all could cause neck pain and related symptoms. It is possible that Plaintiff's disc bulge may have become bigger in our accident, but Dr. Muldowny could not testify more probably than not if that occurred.

Accordingly, liability, causation and damages are highly contested.

II. STIPULATED FACTS

The parties have stipulated to the workers' compensation lien. The parties may stipulate to medical bills and records.

III. CONTESTED ISSUES OF FACT

Liability, causation and quantum.

IV. CONTESTED ISSUES OF LAW

All those arising from the contested issues of fact.

V. WITNESS AND EXHIBIT LISTS

Defendants' Witness and Exhibit List is attached.

VI. AMENDMENTS TO PLEADINGS

None expected.

VII. ADDITIONAL MATTERS

Defendants adopt the additional matters of Plaintiff.

VIII. LENGTH OF TRIAL

Defendants believe it may take four days to try this case.

Respectfully submitted,

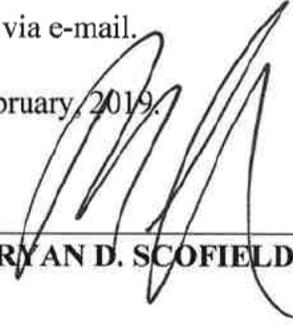

SCOFIELD & RIVERA, L.L.C.

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**Attorneys for Kenny Ray Young, Specialty
Transportation Group, LLC, United Vision
Logistics and UV Insurance Risk Retention Group,
Inc.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has this date been forwarded to all known counsel of record via e-mail.

Lafayette, Louisiana, this 6th day of February, 2019.



BRYAN D. SCOFIELD - #19147

JOSHUA SIMPSON

* 31ST JUDICIAL DISTRICT COURT

*

VERSUS

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WITNESS AND EXPERT LIST AND EXHIBIT LIST

NOW INTO COURT, through undersigned counsel, come and appear Defendants, Kenny Ray Young, Specialty Transportation Group, LLC, United Vision Logistics and UV Insurance Risk Retention Group, Inc., who submit the following Witness and Expert List and Exhibit List:

I. WITNESS AND EXPERT LIST

Defendants will call the following witnesses either live or via deposition at trial:

1. Plaintiff, under cross-examination.
2. Kenny Ray Young
930 Westview Street
Abbeville, LA 70510
Via deposition
3. Chad Frederick
620 Veterans Memorial Dr., Trailer B
Abbeville, LA 70510
4. Ms. Kira Ridgeley, PA
Louisiana Orthopaedic Specialists
108 Rue Louis XIV
Lafayette, LA 70508
Via video trial deposition
5. Trooper Camille Joey Babineaux
Louisiana State Trooper
6. Mr. Scot Jones, MPT
Acadiana Physical Therapy and Sports Medicine
201 W. Gloria Switch Road, Suite H
Lafayette, LA 70507
Via video trial deposition
7. Dr. Michael Berard
601 W. St. Mary Blvd., Ste. 406
Lafayette, LA 70506
8. Dr. David Muldowny
Lafayette Bone & Joint
1103 Kaliste Saloom Road, Ste. 100
Lafayette, LA 70508
9. Mr. Charles Melancon PA-C
Physician Assistant with Dr. David Muldowny
151 Leon Avenue
Eunice, LA 70535

10. Cory Young
103 Spanish Oak Drive
Carencro, LA 70520
11. Dr. Eric Romig
Our Lady of Lourdes Regional Medical Center
4801 Ambassador Caffery Parkway
Lafayette, LA 70508
12. Paul Fontana
709 Kaliste Saloom Road
Lafayette, LA 70508
13. Alan R. Steward
7200 Silverthorn Drive
Maurice, LA 70555
14. Todd Daigle
1114 Hwy. 90 East
Broussard, LA 70518
15. Susan A. Davidson
Rehabilitation Consultant
190 Commercial Square, Suite A
Slidell, LA 70461
16. Investigator(s) from Consolidated Inspections Agency, Inc.
17. Representative of Thrifty Way Pharmacy
18. Representative of Acadiana Prescription Shop
19. Representative of Steward Steel, Inc.
20. Representative of The Fontana Center (FCE)
21. Any pre and post-accident healthcare provider who has seen and/or provided treatment to Plaintiff.
22. Any witness listed by any other party.
23. Any witness listed in discovery responses.
24. Any witness needed to authenticate any records or exhibits.
25. Any party deposed in this matter.

Defendants reserve the right to supplement the Witness List.

II. EXHIBIT LIST

Defendants intend to introduce the following exhibits at trial:

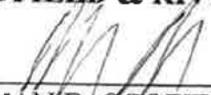
1. Excerpts of certified medical records from Lafayette General Medical Center.
2. Excerpts of certified medical records from Our Lady of Lourdes Hospital.
3. Excerpts of certified medical records from Metropolitan Health Group.
4. Excerpts of certified medical records from Acadiana Physical Therapy & Sports Medicine.
5. Excerpts of certified medical records from Advanced Imaging.

6. Excerpts of certified prescription records from Acadiana Prescription Shop.
7. Excerpts of certified medical records for the hospital Joshua Simpson went to following the summer of 2018 accident.
8. Excerpts of certified medical records from Dr. David Muldowny and/or his physician assistant.
9. Excerpts of certified medical records from Dr. Michael Berard.
10. Excerpts of certified medical records from Dr. John Hodges.
11. Excerpts of certified medical records from M. Lucile Freeman, Ph.D.
12. Excerpts of medical records from Southern Spine Institute.
13. Excerpts of medical records from Regional Radiology.
14. Excerpts of medical records from Lafayette Surgical Specialty Hospital.
15. Excerpts of medical records from Anesthesiology and Pain Consultants.
16. Excerpts of medical records from Neuro Diagnostic Monitoring.
17. Excerpts of prescription records from Thrifty Way Pharmacy.
18. Excerpts of prescription records from Walgreens.
19. SMO report of Dr. Alexander Michael.
20. 2013 deposition of Joshua Simpson in the suit against State Farm.
21. Executed Receipt and Release document in the suit against State Farm.
22. Records from State Farm claim file from prior lawsuit.
23. Records from workers' compensation file.
24. Plaintiff's responses to discovery.
25. Negative drug and alcohol test results from Heinen Medical Clinic.
26. Driver's Accident Report completed by Kenny Ray Young.
27. Repair records and photographs of vehicle damage from November 16, 2012 accident.
28. Repair records and photographs of vehicle damage from June 7, 2018 accident.
29. Photographs of the Penske vehicle driven by Plaintiff.
30. Louisiana State Police photographs.
31. Statements attached to police report for November 16, 2012 accident.
32. Statements attached to police report for November 5, 2014 accident.
33. Statements attached to police report for June 7, 2018 accident.
34. Surveillance video of Plaintiff.
35. Vocational reports of Susan A. Davidson, Rehabilitation Consultant.
36. Paul Fontana's expert report
37. Surveillance video of Plaintiff and report from Consolidated Inspections Agency, Inc. and Cory Young.
38. Trial deposition and deposition exhibits of Kira Ridgeley.
39. Trial deposition and deposition exhibits of Scot Jones.
40. Income Tax Returns of Joshua Simpson.
41. Social Security Administration Earnings records of Joshua Simpson.
42. Social Security Disability records of Joshua Simpson.
43. Personnel records of Joshua Simpson from Transport Leasing/Contract.
44. Personnel records of Joshua Simpson from R&L Carriers, Inc.
45. Any other medical records of Plaintiff.
46. Any other prescription/pharmacy records of Plaintiff.
47. Any deposition or deposition exhibits.
48. Any and all employment records of Plaintiff.
49. All responses to discovery by any party.
50. Any documents produced during discovery or during depositions.
51. Any exhibit needed for impeachment or rebuttal purposes.
52. Any exhibit listed by any other party.
53. Plaintiff's Petition for Damages.
54. Plaintiff's First Supplemental and Amended Petition for Damages.

Defendants reserve the right to supplement the Exhibit List.

Respectfully submitted,

SCOFIELD & RIVERA, L.L.C.



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**Attorneys for Kenny Ray Young, Specialty
Transportation Group, LLC, United Vision
Logistics and UV Insurance Risk Retention Group,
Inc.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has this date been forwarded to all known counsel of record via e-mail and by placing a copy of same in the United States mail, postage prepaid and properly addressed.

Lafayette, Louisiana, this 22nd day of January, 2019.



BRYAN D. SCOFIELD - #19147