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16th JUDICIAL DISTRICT COURT  
PARISH OF ST. MARY  
STATE OF LOUISIANA

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JOHN P. WILLIAMSON, Individually and As  
Administrator of the Estate of his Minor  
Children, Clayton M. Williamson and  
Natalie Williamson, and ANGELA C. WILLIAMSON

-VS- #90,696

FRED KOURY, STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY and the STATE OF LOUISIANA BY  
AND THROUGH THE DEPARTMENT OF LABOR

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COURT'S RULING and REASONS FOR JUDGMENT

+ October 26th, 1995 +

++ HON. JOHN E. CONERY, Judge Presiding ++

BY THE COURT:

I want to again thank the attorneys, and the parties for that matter, for the level of preparation and preparedness and the professional manner in which everyone conducted themselves. It is a pleasure to have been able to try the case with the exceptional quality of the lawyers in this case and with good people on all sides.

The issue of liability I have indicated I am deciding in favor of Mrs. -- of the plaintiffs and against the defendants. As a matter of factual findings the Court finds that the accident took place -- In fact, I am going to adopt the Pre-Trial Memorandum of the plaintiff on the factual portion of the accident. Pages 1 and 2 of the plaintiffs' pre-trial brief adequately set forth what took place in this case; and I will just say, in analyzing the testimony of Mr. Koury, he admitted that he became impatient and pulled out in the face of on-coming traffic, that he thought he could make it, and he couldn't. He says he did not see Mrs. Williamson

1 by him, and also found a focal disc herniation at C-4,5. C-  
2 5,6 was degenerated with posterior fissures in the cervical  
3 area.

4 On 9/22/94 plain x-rays by Dr. Phillips showed a  
5 flattening of the spine and flattening of the lordotic curve,  
6 indicating deep muscle spasm. And on 11/10/94 at surgery, Dr.  
7 Gertzbein saw and felt what he felt were ruptured or  
8 dessicated discs at C-3,4 and C-4,5 and removed them and did  
9 a fusion. So there is no doubt that the cervical injury  
10 progressed from the day of the accident and was caused by the  
11 accident and was serious in nature, causing considerable pain.

12 The Court places great reliance on the testimony of  
13 Dr. Duplantis, who is more than a chiropractor. Dr. Duplantis  
14 has some extensive training in I guess you would call it  
15 sports medicine. He has studied and worked extensively in the  
16 area of attempting to rehabilitate people from injuries and  
17 the Court was impressed by his demeanor, his knowledge, and  
18 the manner in which he kept his records, which were exemplary  
19 for the most part -- better than most, if not better than all  
20 doctors that this Court has seen to date in its 25 years of  
21 having dealt with these types of cases.

22 Dr. Duplantis's records documented the patient's  
23 complaints, documented the position of where she described her  
24 pain to be, documented his findings and his opinion and his  
25 treatment plan on almost every visit -- I think on every visit  
26 -- and provides a great deal of information as to how much  
27 suffering this lady was undergoing.

28 Capable counsel for plaintiff has aided the Court  
29 and the record in fact considerably by preparing a  
30 chronological summary of the medical treatment received by  
31 Angela Williamson with a date the medical care provider and  
32 the service that was done, which takes the history of this  
33 lady's treatment from the day of the accident all the way

through 10/6/95, which was only one (1) visit short of the whole load. I think Dr. Duplantis had one other supplement to this record on 10/17/95. But in effect, it documents Dr. Duplantis's findings.

The Court is impressed that Dr. Duplantis does have the capability, the training, the facility to be able to discern what muscle spasm is and he made specific findings of palpable objective muscle spasm on almost every one of his visits, even going to the extent of having the patient describe for him exactly on an anatomical drawing where the spasms were. They were consistent throughout. On occasions she was having more complaints in the cervical area, on occasions more in the lumbar area, and the frequency of the pain in the thoracic area waxed and waned.

However, as Dr. Duplantis explained, and as to the Court knows, the thoracic area is protected by ribs and there is very little movement in the spine in that area. When someone is receiving medication and treatment, it is likely that symptoms in a part of the spine that can't move or doesn't move very much can be masked by pain complaints from the other parts of the spine that can move, like the upper neck and the lower back, as well masked in general so that there is a reasonable and logical explanation for the lack of pain complaints in the thoracic area on each and every visit. And there is a reasonable and logical explanation for it not being a primary concern on the initial visit.

With respect to the cervical injury again, the Court was particularly and especially impressed by the deposition testimony of Dr. Antonio Aldrete. His curriculum vitae is attached to his deposition and takes some time to read. It is filed in the record; but suffice it to say that he is renown and extremely talented physician who has a particular facility to be able to treat chronic pain problems, and he undertook