



TEAR R. CARTER : NUMBER: 559,782-B
 VERSUS : FIRST JUDICIAL DISTRICT COURT
 KENNETH R. PHILLIPS, ET AL : CADDO PARISH, LOUISIANA

CONSOLIDATED WITH

HENDERSON BUTLER, JR. : NUMBER: 561,867-A
 VERSUS : FIRST JUDICIAL DISTRICT COURT
 KENNETH PHILLIPS AND : CADDO PARISH, LOUISIANA
 STATE FARM INSURANCE
 JOINTLY AND IN SOLIDO

RULING ON QUANTUM

Trial was held on August 13, 2013 and a ruling on liability and apportionment of fault was issued on August 16, 2013, with counsel requested to submit briefs on the quantum issues. Following a thorough review of the medical and treatment evidence, the Court deems the quantum issues to be in a posture for decision.

Counsel for Plaintiff Tear Carter has argued for a total monetary judgment of \$33,836.24, asserting proof of specials in the amount of \$13,836.24 and general damages in the amount of \$20,000.00. The Court disagrees with plaintiff counsel's assessment of the grounds well-articulated by counsel for State Farm Mutual Insurance Company, specifically that the plaintiff has not proven, more probably than not, that all of the treatment rendered unto Ms. Carter was reasonable, necessary and causally related to the accident. Accordingly, the Court further finds that the chiropractic treatment should be reduced by 25%; and the Court finds that the laser treatment was not sufficiently proven to be deemed medically necessary and reasonable. Therefore, the Court sets the special damages in the amount of \$7,148.25 and the general damages in the amount of \$10,000.00.

Counsel for Henderson Butler, Jr. has argued that the evidence supports a special damages award of \$4,916.45, a general damages assessment of \$10,000.00, and lost wages in the amount of \$750.00. Considering all of the evidence, the Court sets special damages in the amount prayed for and sets general damages in the amount of \$5,000.00, subject to the assignment of fault. Lost wages are assessed in the amount of \$500.00.

Finally, Kenneth Phillips is entitled to an award of \$1,269.87, or 40% of the total repairs to his vehicle, from Imperial Fire and Casualty Insurance Company.

Although each expert (Physical Therapist Jackson and Chiropractic Stimits) requested \$400.00 expert fees, the Court believes that an expert fee for each should be set in the amount of \$200.00.

Counsel shall submit a formal Judgment in accordance with the liability and apportionment of fault ruling of August 16 as well as this ruling on damages, all pursuant to La. Dist. Ct. R. 9.5.

Signed this 4th day of October, 2013, in Shreveport, Caddo Parish, Louisiana.



SCOTT J. CRICHTON
DISTRICT JUDGE

DISTRIBUTION:

J. Marshall Rice, Counsel for Tear Carter

S. P. Davis, Sr., Counsel for Kenneth R. Phillips

Theodore J. Casten, Counsel for State Farm Mutual Automobile Insurance Company and Kenneth Phillips

Paul D. Oberle, Jr., Counsel for Imperial Fire and Casualty Insurance Company and Henderson Butler, Jr.