

[Louisiana Appeals Court Upholds \\$4.4 Million Wrongful Death Award for Parents of 2016 Crash Victims](#)

The First Circuit Court of Appeals Affirms Geismar Jury's Decision to Award Compensation for Deaths Caused by an Unsafe Embankment

Online PR News - 08-April-2019 - On Tuesday, April 3, 2019, the First Circuit Court of Appeals ruled in favor of the Lanus family, affirming a Geismar jury's \$4.4 Million verdict issued in November 2016 for the tragic death of the Lanus's children, nine-year-old Sarai Lanus and six-year-old Daylon Lanus.

Trial attorney Eulis Simien upon learning of the Appellant Court's ruling said, "this result is especially rewarding as it could not have happened for more deserving clients who have suffered a great loss. Hopefully this ruling will cause the Department to look at this site and others, as this was a preventable accident."

The appeals court upheld the jury's determination that the Louisiana Department of Transportation and Development (DOTD) was 60 percent responsible for the deaths of the Lanus children, concluding that the DOTD was the primary contributor to the accident because it was negligent in the construction and maintenance of the section of Highway 928 where the crash occurred. The driver of the SUV that struck the children, Shawnette Taylor, was found to be 40 percent at-fault for the accident.

The DOTD appealed the decision, claiming the jury made 11 separate errors, such as:

- ? Imposing liability for harm well beyond the reasonable scope of duty owed to the DOTD
- ? Assigning Shawnette Taylor just 40 percent fault when her actions were the primary or sole cause of the crash
- ? Road defects did not cause the driver to leave the roadway
- ? Holding the DOTD liable even though there was an absence of evidence to show the DOTD knew or should have known there was an unreasonably dangerous condition

The fatal crash happened on July 24, 2014. Both Sarai and Daylon Lanus were fishing with their father and two other adults off the side of Highway 928 (Bluff Road) in Ascension Parish when Shawnette Taylor lost control of her SUV and ran off the roadway, sliding down a deep embankment and colliding with the group. The children died, and the three adults were taken to the hospital.

The plaintiffs, David Lanus and Shayla Lanus (the surviving parents of the Lanus children), brought their case on behalf of their children's wrongful death. The lawsuit was filed against the Louisiana Department of Transportation and Development, Shawnette Taylor, and Geico Casualty Company (Ms. Taylor's insurer). The plaintiffs alleged that the DOTD was negligent in the development of Highway 928 and Ms. Taylor was negligent in driving off the road. The plaintiffs asserted that Ms. Taylor should have been assigned less than 40 percent at-fault because she was caught in a non-recoverable slope.

The Lanus's were represented by Simien & Simien partner Eulis Simien, Jr. and founding partner Jimmy Simien.

Mitchell Johnson, Jr. v. The State of Louisiana Through the Department of Transportation and Development, GEICO Casualty Company and Shawnette Taylor 2017 CA 0973 Consolidated with 2017 CA 0974 David

Lanus and Shayla Lanus, Individually as the Surviving Parents of Daylon Lanus and Sarai Lanus v. State of Louisiana Through the Department of Transportation and Development, GEICO Casualty Company and Shawnette Taylor On Appeal from the Twenty-Third Judicial District Court In and for the Parish of Ascension State of Louisiana Trial Court No. 111,837 c/w 111,948.

Simien & Simien, LLC, (simien.com) was founded in 1989 and has represented thousands of injury clients in work related accidents, asbestos exposure, highway and trucking accidents and other types of serious injury and death cases. The firm has attorneys licensed in both Texas and Louisiana and handles cases throughout these two states. The firm has offices in Baton Rouge, Lake Charles and New Iberia, Louisiana. The firm's other areas of practice include personal injury, complex litigation, Qui Tam government fraud cases, oil and gas litigation (including land and water contamination cases), and other environmental cases. We are committed to our clients' best interests and work meticulously to obtain the compensation they deserve.

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