WILLIAM E. WATKINS, TONYA JOHNSON : NUMBER: 543,969, “B”

WATKINS AND MARCELLE JOHNSON

VERSUS : FIRST JUDICIAL DISTRICT COURT

SONYA V. HONEYCUTT AND STATE

FARM MUTUAL AUTOMOBILE

INSURANCE COMPANY : CADDO PARISH, LOUISIANA

**REASONS FOR JUDGMENT**

 Trail was held February 13, 2014. The plaintiffs, William Watkins, Tonya Johnson Watkins and Marcell Johnson, and the defendant, Sonya Honeycutt, provided testimony along with a deputy with the Caddo Parish Sheriff’s Office, Cpl. Pamela Purgerson, and an independent witness, Barry Pomplin. In addition, the Court received into evidence numerous exhibits, of particular consideration of the liability determination, P 26-28 and P 31. For reasons that follow, the Court concludes that the plaintiffs have not satisfied their burden of proof; specifically, they have failed to prove by a preponderance of the evidence that the defendant Sonya Honeycutt was at fault in the Buncombe Road/Cook Road accident of April 10, 2010.

 The position of the plaintiffs is that (1) the driver of the lead vehicle, Watkins, activated his left turn signal, demonstrating his intent to turn left onto Cook Road; (2) while in the early process of beginning his left turn, Watkins observed an “overtaking motorist trying to pass him on the left”[[1]](#footnote-1); (3) to avoid a collision, Watkins “pulled to the right and allowed the errant motorist to pass”[[2]](#footnote-2); (4) once the vehicle passed, Watkins again tried to execute his left turn but was struck from behind by the defendant, Honeycutt.

 The position of the defendants, Honeycutt and her insurer, State Farm Mutual Automobile Insurance Company, is that (1) as Watkins approached the Buncombe Road/Cook Road intersection, he activated his right turn signal, indicating his intent to turn right onto Cook Road; (2) at least momentarily, Watkins pulled off Buncombe Road to the right (onto north Cook Road); (3) the man later identified as Barry Pomplin had seen Watkins’ signal and maneuver when he passed the Watkins vehicle at least crossing, if not straddling, the double striped center lane of the highway; (4) almost contemporaneously with the overtaking Pomplin maneuver, Watkins began a U-turn across Buncombe Road aiming south onto Cook Road when Honeycutt, five car lengths behind Watkins and despite the application of brakes, was unable to stop and collided with the Watkins vehicle.

 While this case raises the issues of the duty of a left turning motorist (Watkins) and the duty of a following motorist (Honeycutt), any rumination on the issues of lane preemption, adverse presumptions, shifting burdens and the otherwise applicable statutory provisions of R.S. 32:81 and R.S. 32:77 is obviated in light of the testimony of Barry Pomplin[[3]](#footnote-3).

 Mr. Pomplin testified that he did in fact “go around” the Watkins vehicle, which he believed to be turning to the right and which he observed to go off Buncombe Road onto Cook Road. He admitted the proximity to the Watkins vehicle caused him to cross the center lane and he observed most of the collision in his rear view mirror. He promptly – and properly - returned to the intersection and observed Mr. Watkins’ right turn signal activated/blinking. Pomplin testified that while he was on the collision scene, and before the arrival of Caddo deputy sheriffs, he saw Watkins turn his right signal blinker off, emphasizing, “I saw him (Watkins) do that”.

 Although Pomplin, like Watkins, is from DeBerry, Texas, they do not know each other. The Court finds Pomplin’s testimony to be clear and compelling and it is therefore accepted. His testimony is also consistent with the point of impact and vehicle damage, as reflected by the photographs.

 Accordingly, with the independent and credible testimonial evidence of Pomplin, the Court accepts the defense position regarding the unfortunate Buncombe/Cook intersectional collision of April 10, 2010[[4]](#footnote-4).

 Counsel shall submit a formal Judgment reflecting this ruling and dismissal of the case at plaintiffs’ costs, in accordance with La. Dist. Ct. R. 9.5.

Signed this 18th day of February, 2014 in Shreveport, Caddo Parish, Louisiana.

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 SCOTT J. CRICHTON

 DISTRICT JUDGE

DISTRIBUTION:

William F. Kendig, Counsel for William E. Watkins, Tonya Johnson Watkins and Marcelle Johnson

Alan T. Seabaugh, Counsel for Sonya V. Honeycutt and State Farm Mutual Automobile Insurance Company

Jean-Paul Guidry, Counsel for Sonya V. Honeycutt and State Farm Mutual Automobile Insurance Company

1. Plaintiffs’ Pretrial Brief, P 5; of course, that driver was later identified as Barry Pomplin, who provided testimony at trial. [↑](#footnote-ref-1)
2. Plaintiffs’ Pretrial Brief P 5-6 [↑](#footnote-ref-2)
3. As usual, plaintiff counsel has zealously advocated his client’s position, particularly in the well written post trial brief, which the court thoroughly considered. The brief only has “passing” reference (so to speak) of Barry Pomplin’s testimony. [↑](#footnote-ref-3)
4. It should be noted that the Court does not accept the offensive and untrue remark by Ms. Honeycutt that the report of Caddo Parish Sheriff Office was “fraudulent”. Although the Court’s factual findings are generally consistent with Ms. Honeycutt’s version of what took place, there is absolutely no fraud – or any other misconduct by Caddo deputies. In fact, the deputies fully and honestly investigated the case. [↑](#footnote-ref-4)