JEANMARIE G. MORRIS AND : NUMBER: 558,288-B

WILLIAM P. MORRIS

VERSUS : FIRST JUDICIAL DISTRICT COURT

STEPHEN FESS : CADDO PARISH, LOUISIANA

 **RULING ON QUANTUM**

Trial was held November 5, 2013. After receipt of evidence and in consideration of arguments of counsel and applicable law, the Court issued a bench ruling concluding that: (1) plaintiffs have proven their case of strict liability against the defendant; and (2) pursuant to La. C.C.P. 191, an injunction would issue prohibiting either party from harassing misconduct against the other. The Court took the issue of quantum under advisement and invited briefs on the subject.

The Court has now received post-trial memoranda on quantum issues, with plaintiff counsel urging the Court of a damage award of more than $20,000.00 for each plaintiff, (citing a 1971 case and adjusting the award for inflation). Defense counsel has cited a 1970 case, ultimately suggesting a damage award “limited to an amount of $750.00 for Mrs. Morris and $500.00 for Mr. Morris”. The two cited cases, each more than 40 years old, are not particularly helpful on the quantum issue.

While standing on her property, Mrs. Morris was viciously and badly bitten by defendant’s dogs. The photographs evidence the severity of the wounds and the medical reports from North Caddo Medical Center also corroborate the nature of the injuries as well as the treatment regimen. Mrs. Morris sustained significant pain and suffering, scars, and justifiable continued fear as a result of the unprovoked attack. The Court sets special damages for Mrs. Morris in the amount of $621.50 and her general damages in the amount of $5,000.00.

Mr. Morris was not as injured as Mrs. Morris and the Court sets special damages in the amount of $551.50 and his general damages in the amount of $2,500.00.

Counsel shall submit a formal Judgment reflecting the bench ruling, including injunctive language, and this ruling all in accordance with La. D. Ct. R. 9.5.

Signed this 7th day of November, 2013 in Shreveport, Caddo Parish, Louisiana.

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 SCOTT J. CRICHTON

 DISTRICT JUDGE

DISTRIBUTION:

Eron Brainard, Counsel for Jeanmarie G. Morris and William P. Morris

Steven D. Carby, Counsel for Stephen Fess