

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2006 CA 1424

RENE POIRRIER III

VERSUS

RONALD STEVENSON & THE
PARISH OF ASCENSION

DATE OF JUDGMENT: May 4, 2007

ON APPEAL FROM THE TWENTY-THIRD JUDICIAL DISTRICT COURT
(NUMBER 78,942 "D"), PARISH OF ASCENSION
STATE OF LOUISIANA

HONORABLE PEGRAM J. MIRE, JR., JUDGE

* * * * *

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Baton Rouge, Louisiana

Counsel for Plaintiff/Appellee
Rene Poirrier, IV

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Ronald Stevenson and Parish of
Ascension

* * * * *

BEFORE: KUHN, GAIDRY, AND WELCH, JJ.

Disposition: AFFIRMED.

KUHN, J.

Defendants-appellants, Ronald Stevenson and his employer, the Parish of Ascension (the Parish), appeal the trial court's judgment, which awarded damages to plaintiff-appellee, Rene Poirrier,¹ for personal injuries he sustained when a truck, driven by Stevenson while he was in the course and scope of his employment for the Parish, collided with the bicycle Poirrier was operating. Because Poirrier's testimony establishes a reasonable factual basis for the trial court's allocation of 100% of fault to defendants, we find no manifest error. *See Laborde v. St. James Place Apartments*, 05-0007, p. 5 (La. App. 1st Cir.2/15/06), 928 So.2d 643, 647 (the standard of review of comparative fault allocations is that of manifest error); *see also Watson v. State Farm Fire and Cas. Ins. Co.*, 469 So.2d 967, 974 (La.1985) (in determining fault, the trier of fact should consider both the nature of the conduct of each party at fault and the extent of the causal relation between the conduct and the damages claimed, including: (1) whether the conduct resulted from inadvertence or involved an awareness of the danger, (2) how great a risk was created by the conduct, (3) the significance of what was sought by the conduct, (4) the capacities of the actor, whether superior or inferior, and (5) any extenuating circumstances which might require the actor to proceed in haste, without proper thought). Accordingly, the trial court's judgment is affirmed in compliance with La. URCA Rule 2-16.2.A(2),(4),(5),(6), & (8).

AFFIRMED.

¹ Although the petition identified plaintiff as Rene Poirrier III, in his trial testimony, he identified himself as Rene Poirrier IV.