

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 2019-3926

DIVISION "F"

SECTION 7

BRANDON R. SINGLETON, ET AL.

VERSUS

TOMMY D. RICE, ET AL.

FILED: _____

DEPUTY CLERK

JUDGMENT

This matter came before the Court on September 11, 2020 for a one- day bench trial.

Present in Court were:

Benjamin J. Birdsall, III
Henry J. Pittman
Attorneys for Plaintiffs Brandon R. Singleton, Anthony
Singleton, and Nadia Weaver

Charles M. Parks
Eric W. Sella
Attorneys for Travelers Property and Casualty
Company of America and Dot Transportation, Inc.

Considering the pleadings, applicable law, exhibits, reasons for judgment and evidence, the Court rules as follows:

IT IS ORDERED ADJUDGED AND DECREED that judgment be rendered in favor of Defendants Travelers Property and Casualty Insurance Company of America and Dot Transportation, Inc. and against Plaintiffs Brandon R. Singleton, Anthony Singleton, and Nadia Weaver.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that all claims brought by Plaintiffs, Brandon R. Singleton, Anthony Singleton and Nadia Weaver, are dismissed with prejudice. Each party to bear their own costs.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Defendant Tommy D. Rice is hereby dismissed without prejudice.

JUDGMENT READ, RENDERED, AND SIGNED in New Orleans, Louisiana, this
24th day of September, 2020.



CHRISTOPHER J. BRUNO, CHIEF JUDGE

**THE PARTIES ACKNOWLEDGE RECEIPT OF THE JUDGMENT AND REASONS
FOR JUDGMENT IN THE ABOVE CAPTIONED MATTER AND HEREBY WAIVE
NOTICE OF JUDGMENT**

Attorney(s) for Plaintiff(s)

Charles Michael Parks 10/15/2020

Attorney(s) for Defendant(s)

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REASONS FOR JUDGMENT

This case arises out of an April 10, 2018 car accident. Plaintiff, Mr. Brandon R. Singleton was driving a 2015 Dodge Charger on I-10 West with Plaintiffs Mr. Anthony Singleton and Ms. Nadia Weaver ("Ms. Weaver"), as guest passengers in the vehicle when a collision occurred between the Dodge Charger and an 18-wheeler truck owned by DOT Holdings Company. Plaintiffs allege negligence and filed suit against Defendants Tommy D. Rice ("Mr. Rice"), DOT Holdings Company (hereinafter "DOT"), and Travelers Property and Casualty Insurance Company (hereinafter "Travelers") for injuries they allegedly suffered.

The matter came before this Court for a one-day bench trial on September 11, 2020. This Court heard testimony from the three plaintiffs as well as defendant Rice. Mr. Rice testified that he was operating his tractor-trailer on I-510 with the intent of merging onto I-10 Westbound. The I-510 entrance ramp consists of one lane, which spans over I-10, and terminates into a single "get on lane." The "get on lane" or merge lane, remains one lane of travel, and tapers into the far right lane of I-10. The "get on lane" at the base of the I-510 ramp is separated from the far right lane of I-10 by, at first, a solid white line and then solid dash lines. I-10 at I-510 consists of three lanes of travel. Mr. Rice introduced a video, which shows his vehicle entering the far right lane of I-10. The dash camera footage shows the front of the 18-wheeler merging onto the I-10. The left mirror zoom shot shows the 18-wheeler merging into the far right lane of I-10 at the termination of the solid white line. Mr. Rice explained that while he started to merge, there was no one in the right lane of travel, and the impact occurred when he was halfway into the new lane.

A motorist entering a highway is require to yield to all vehicles so close as to constitute an immediate hazard. The duties of a motorist making a lane change are set forth in La. R.S. § 32:79, which provides:

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all other consistent herewith, shall apply.

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

“A motorist who attempts to change lanes on a multiple lane highway must ascertain before attempting the maneuver that it can be made safely without endangering oncoming traffic.”

Averna v. Industrial Fabrication and Marine Service, Inc., 562 So.2d 1157, 1161 (La. App. 4 Cir.1990). This Court has reviewed the dash cam footage, including the zoomed in version.

This Court makes the following findings of fact:

- Mr. Singleton was traveling behind Mr. Rice when Mr. Rice started to merge onto I-10;
- Mr. Rice started to merge into the right lane immediately after crossing the solid white line;
- As Mr. Rice started moving into the right lane of I-10, there were no vehicles in the right lane of travel;
- Mr. Singleton entered the interstate by crossing over the solid white line as Mr. Rice was completing his lane change in an attempt to get ahead of Mr. Rice and take control of the right lane of travel; and
- Mr. Singleton’s conduct was the sole cause of this accident.

The Court finds Mr. Brandon Singleton’s testimony incredible and dismisses his claim with prejudice. Mr. Anthony Singleton and Ms. Weaver did not pursue claims against Mr. Singleton. Therefore, their claims are dismissed with prejudice.

Signed this 24th day of September, 2020, at New Orleans, Louisiana.



CHIEF JUDGE CHRISTOPHER J. BRUNO