

**THE ESTATE OF JOHN
FRANCIS CRISTADORO,
THROUGH ITS
REPRESENTATIVE,
REBECCA JONES, AND JOHN
HAROLD CRISTADORO, IN
HIS INDIVIDUAL CAPACITY,
AND AS THE TUTOR OF HIS
MINOR BROTHER, BRANDON
MICHAEL CRISTADORO**

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NO. 2001-CA-0026

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COURT OF APPEAL

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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VERSUS

**GOLD KIST, INC. AND JAMES
DUANE WEAVER**

**APPEAL FROM
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 98-3954, DIVISION "G-11"
Honorable Robin M. Giarrusso, Judge**

Judge Miriam G. Waltzer

(Court composed of Chief Judge William H. Byrnes III, Judge Joan Bernard
Armstrong, Judge Miriam G. Waltzer, Judge Patricia Rivet Murray, Judge
Dennis R. Bagneris, Sr.)

(ON APPLICATION FOR REHEARING)

MURRAY, J., CONCURS WITH REASONS
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**ON REHEARING GRANTED: JUDGMENT OF TRIAL COURT
REVERSED; JUDGMENT RENDERED IN THE AMOUNT OF
\$1,084,205.**

We grant rehearing in order to clarify the Court's opinion in this case.

In this case, the only issue for the trier of fact was the amount of damages sustained by plaintiffs as a result of the death of John Francis Cristadoro. For the reasons set forth in our original opinion's "Statement of Facts: Damages", we conclude that the trier of fact was manifestly erroneous and clearly wrong as to the special damages and abused its great, even vast discretion in its award of general damages, having awarded a total of

\$2,500,000.

We find, for the reasons set forth in our original opinion's "*De novo* Review" that the highest amounts that a reasonable trier of fact could award to these plaintiffs for these specific injuries are \$334,205 total economic loss, including \$18,116 future loss to Brandon Cristadoro through the age of twenty-one; and \$750,000 for the decedent's own loss of the companionship of his children and the intangible elements of his own life, for a total award to plaintiffs of \$1,102,321.00.

CONCLUSION AND DECREE:

ON REHEARING GRANTED: JUDGMENT OF TRIAL COURT REVERSED; JUDGMENT RENDERED IN THE AMOUNT OF \$1,084,205.