

**MICHAEL WESLEY
MIRANDY AND HIS WIFE
SHERRY D. MIRANDY**

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**NO. 2017-CA-0011
COURT OF APPEAL**

VERSUS

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FOURTH CIRCUIT

**GARY WATERS, JR., HIS
EMPLOYER, VARIETY
WHOLESALE INC., AND
THEIR INSURER NORTH
CAROLINA INSURANCE**

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STATE OF LOUISIANA

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LEDET, J., CONCURS WITH REASONS

Although I agree with the majority’s finding of legal error regarding the jury instructions, I concur in the majority’s award of a lump sum damage award of \$2,500.

A comparison of Mr. Mirandy’s MRIs from before and after the accident does not support a finding of an aggravation of his preexisting injuries. Nonetheless, based on the testimony of the treating physician, Dr. Chad Domangue, I would find that the record supports a slight exacerbation of Mr. Mirandy’s preexisting injuries. For this reason, I concur in the majority’s decision to award \$2,500 in damages.