

CODY JOHNSON	*	NO. 2017-CA-0793
VERSUS	*	COURT OF APPEAL
TRANSIT MANAGEMENT OF SOUTHEAST LOUISIANA, INC. D/B/A REGIONAL TRANSIT AUTHORITY, INC., OLD REPUBLIC INSURANCE COMPANY, PROGRESSIVE PALOVERDE INSURANCE COMPANY, BARBARA WORD AND PAUL MOLBERT	* * * * * * * * *	FOURTH CIRCUIT STATE OF LOUISIANA

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BELSOME, J., DISSENTS WITH REASONS

I respectfully dissent from the majority opinion. As stated by the majority, “[t]he standard of review on appeal of a directed verdict is whether reasonable persons could not reach a contrary verdict under the evidence.”¹ Given this Court’s standard of review, I find that the facts presented in this case could have led a reasonable juror to make a contrary finding. Specifically, a reasonable juror could have concluded that the *Orgeron* factors of time constraint on travel and an emergency situation applied to the facts of this case.² I find that the trial court erred in granting a directed verdict on the issue of course and scope of employment. Accordingly, I would grant a new trial.

¹ *Thomas v. A.P. Green Indus., Inc.* 05-1064, p.19 (La.App. 4 Cir. 5/31/06), 933 So.2d 843, 858 (citing *Davis v. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College*, 2003-2219, pp. 7-8 (La. App. 4 Cir. 11/17/04), 887 So.2d 722, 727).
² *Orgeron v. McDonald*, 93-1353 (La. 7/5/94), 639 So.2d 224.