

HENRY PETE

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NO. 2021-CA-0626

VERSUS

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COURT OF APPEAL

**BOLAND MARINE AND
MANUFACTURING
COMPANY, LLC, ET AL**

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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DLD DYSART, J., DISSENTS

In this matter, Mr. Pete was awarded a total of \$10,351,020.00 in combined special and general damages. This amount shocks the conscience and in my opinion is an abuse of discretion. *See Romano v. Metropolitan Life Ins. Co.*, 16-0954 (La. App. 4 Cir. 5/24/17), 221 So.3d 176; *see also Zimko v. American Cyanimid*, 03-0658 (La. App. 4 Cir. 6/8/05), 905 So.2d 465. Recent awards for the particular type of damages suffered by plaintiffs in cases similar to the instant case would suggest that a general damage award should be somewhere in the neighborhood of half of what was awarded to Mr. Pete. *See Lege v. Union Carbide Corp.*, 20-0252 (La. App. 4 Cir. 5/12/21), 2021 WL 1917784; *Terrance v. Dow Chemical Co.*, 06-2234 (La. App. 1 Cir. 9/14/07), 971 So.2d 1058. Accordingly, I would reduce the damages awarded to Mr. Pete by one-half.