

Fifth Circuit Court of Appeal
State of Louisiana

No. 26-CA-24

RODERICK F. LEE

versus

CHARLES ZIMMER AND ALLSTATE INSURANCE CO.

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 850-242, DIVISION "I"
HONORABLE NANCY A. MILLER, JUDGE PRESIDING

September 23, 2026

FREDERICKA HOMBERG WICKER
JUDGE

Panel composed of Judges Susan M. Chehardy,
Fredericka Homberg Wicker, and Stephen J. Windhorst

AFFIRMED

FHW
SMC
SJW



PLAINTIFF/APPELLANT,
RODERICK F. LEE

In Proper Person

COUNSEL FOR DEFENDANT/APPELLEE,
CHARLES ZIMMER AND ALLSTATE INSURANCE COMPANY

James L. Donovan, Jr.

P. M. Donovan

WICKER, J.

Plaintiff-appellant, Roderick Lee, appeals the judgment of the 24th Judicial District Court, rendered after the jury trial of a case involving an automobile accident in which appellant's vehicle was hit from the rear by a vehicle being driven by defendant-appellee, Charles Zimmer. In its verdict the jury assigned seventy-five percent (75%) comparative fault to appellant, assigned twenty-five percent (25%) comparative fault to Mr. Zimmer, and awarded appellant no damages. For the reasons stated below, the judgment of the district court is affirmed.

FACTS AND PROCEDURAL POSTURE

In this action, appellant, Roderick Lee, sought damages for injuries to his neck, back and head (face) that he claimed to have sustained in a motor vehicle collision "MVC" that occurred shortly after 9:00 a.m. on January 6, 2023 ("the Accident"), at the intersection of Earhart Expressway and Dickory Avenue in Harahan, Louisiana.¹ At that time, Mr. Lee's vehicle was stopped at a red light, preparing to merge onto Earhart Expressway, when it was struck from the rear by a vehicle being driven by Charles Zimmer. Messrs. Lee and Zimmer were both insured by Allstate Insurance Company. Allstate paid Mr. Lee for the full extent of his property damage. Mr. Lee filed suit to recover hundreds of thousands of dollars as a result of his alleged personal injuries caused by the Accident.

Mr. Lee represented himself in the case, which was tried before a jury.² The trial court informed Mr. Lee that he would be held to "the exact same standard as any an attorney would for the knowledge of the [Code of Civil Procedure] and the Code of Evidence . . . So, you'll need to know what you're doing when you try to

¹ At that intersection, Dickory Avenue has two lanes that allow traffic to merge onto the Earhart Expressway. Lee was in the right lane of those two lanes.

² Mr. Lee was initially represented by counsel in conjunction with his pre-filing settlement negotiations with Allstate, but his Petition for Damages was filed *pro se*.

introduce evidence and question witnesses.” Mr. Lee indicated to the trial court that he understood.

A. Trial Testimony and Evidence

1. Charles Zimmer

Mr. Lee called Mr. Zimmer as his first witness. Mr. Zimmer did not deny that he had rear-ended Mr. Lee’s vehicle, but testified that, after Mr. Lee had started to merge into traffic on Earhart Expressway, he stopped suddenly (“slammed on his brakes”), thereby causing or contributing to the Accident. Mr. Zimmer testified that in the immediate aftermath of the collision, Mr. Lee was yelling and screaming at the 9-1-1 operator and emergency personnel who had arrived on the scene; that Mr. Lee refused to exit his vehicle until he had been placed in a neck brace; that after he was fitted with a cervical collar, Mr. Lee exited his vehicle, walked around it, bent down and into the car to retrieve papers; and that he walked to the ambulance and entered it unaided by emergency personnel.

Mr. Zimmer also testified that his vehicle (a Jeep Wrangler) sat higher than Mr. Lee’s vehicle (a Toyota Carolla) and that, as a result, the front bumper of his vehicle contacted Mr. Lee’s trunk lid, which, in turn, contacted the back windshield of Mr. Lee’s car, causing it to shatter. Mr. Zimmer stated that when the back windshield of the Lee vehicle shattered, papers flew out. Mr. Zimmer, who is an attorney, picked up some of the papers and found them to be pleadings from Civil District Court in Orleans Parish, in a case in which Mr. Lee was the plaintiff, and in which Mr. Lee was claiming damages from injuries he allegedly sustained in another MVC. Mr. Zimmer stated that this evidence that Mr. Lee had a spine doctor and had instituted other proceedings put him “on alert.” He further expressed he feared that Mr. Lee “had experience” with being involved in accidents such as the one that had just occurred and that this fear was exacerbated by EMS and fire department personnel who told him to “make sure you’re

videoing. He won't get out of the car until we give him a neck brace" Mr. Zimmer said that emergency personnel were telling him that Mr. Lee "knew what [he] was doing." Mr. Zimmer also stated that he found it odd that Mr. Lee had requested a neck brace because when he observed Mr. Lee screaming at the 9-1-1 operator, he was violently gyrating his head and flailing his arms. According to Mr. Zimmer, "I did start piecing together that this might be one of those things that you know, I think all drivers fear."³

Mr. Zimmer admitted that he was issued a citation at the scene for careless operation of a motor vehicle. He stated, however, that once the District Attorney saw the dashcam footage from Mr. Zimmer's vehicle, showing the Accident as it happened, the charges against him were dropped.

Mr. Lee did not introduce any documentary evidence in conjunction with Mr. Zimmer's testimony. Defense counsel introduced through Mr. Zimmer photographs that Mr. Zimmer took at the scene on the day of the Accident, Google Earth image(s) of the intersection where the Accident occurred, and a Louisiana State Police Information relative to the 9-1-1 call made by Mr. Lee at the scene. The admission of this evidence was unopposed by Mr. Lee. The entirety of Mr. Zimmer's testimony was also presented to the jury without objection by Mr. Lee, who opted to challenge Mr. Zimmer's testimony by asking him argumentative questions.⁴

³ In fact, as discussed below, prior to the Accident, Mr. Lee had been involved in numerous MVCs, dating back to at least 2009, wherein he claimed injuries to his neck and/or back and/or head and pursued personal injury claims against the insurers of the other drivers involved in those incidents.

⁴ For example, Mr. Lee asked whether Mr. Zimmer was a medical doctor who could tell whether someone was injured or not; how Mr. Zimmer would have proposed for Mr. Lee to have reacted at the scene; whether it was against the law for Mr. Lee to have yelled and cursed at the 9-1-1 operator; whether Mr. Lee had the right to demand a neck brace before exiting his vehicle; whether Mr. Zimmer was aware who was at fault in conjunction with Mr. Lee's prior MVCs; whether the photographs taken at the scene showed who was responsible for causing the Accident; and whether there were any witnesses to the events as related by Mr. Zimmer from the witness stand.

2. Dr. Marco Rodriguez

Following Mr. Zimmer's testimony, the deposition of Dr. Marco Rodriguez, one of Mr. Lee's treating physicians, was read into the record of the proceedings.⁵

At the time of Dr. Rodriguez's deposition on July 25, 2025, he was on the witness list of both parties. When asked in his deposition whether he would be available for trial the following month, Dr. Rodriguez said that he would be available to testify. We are unable to ascertain from the record the reason(s) that Dr. Rodriguez was not called as a witness at trial and his deposition was read into the record instead.

In his deposition, Dr. Rodriguez testified that he is a board-certified orthopedic surgeon, primarily treating spinal injuries. His practice is based at LA Health Solutions ("LA Health Solutions"). He first treated Mr. Lee On May 3, 2021, for neck and back injuries that Mr. Lee attributed to a May 6, 2019 MVC (the "May 2019 MVC").⁶ Dr. Rodriguez treated Mr. Lee's 2019 complaints by prescribing a single medial branch block in January 2021, and a left radiofrequency ablation in July 2021. Dr. Rodriguez testified that he believed those treatments had resolved Mr. Lee's back and neck pain from the May 2019 MVC.⁷

Mr. Lee first consulted Dr. Rodriguez in conjunction with injuries for which he was seeking damages in the instant action on March 10, 2025, more than two years after the Accident and approximately five months prior to the scheduled trial date.⁸ On July 5, 2023, Mr. Lee had separately presented to LA Health Solutions

⁵ The transcript of Dr. Rodriguez's deposition was entered into evidence by defense counsel for record purposes only.

⁶ As he had done in conjunction with the May 2019 MVC, Mr. Lee did not consult Dr. Rodriguez in this case until some two years after the Accident.

⁷ In fact, however, the evidence showed that Mr. Lee did not feel that his pain had resolved and consulted Dr. Deepak Awshthi, a neurosurgeon, with whom he was treating only a few weeks prior to the Accident.

⁸ Mr. Lee admitted on cross-examination that he did not retain Dr. Rodriguez until after a settlement conference that occurred on January 25, 2025. He believed as a result of discussions

in conjunction with the injuries that he attributed to the January 6, 2023 Accident, even though he had been involved in a subsequent MVC on July 2, 2023 (the “July 2023 MVC”). Mr. Lee was treated by Matthew Laudun, D.C., of LA Health Solutions, with non-invasive, drug-free chiropractic therapies from July 5, 2023, through September 29, 2023. At the time Mr. Lee consulted Dr. Rodriguez, he did not inform him that he had been treated for the same injuries for which he was complaining by Thomas Marion Johnson, D.C., a chiropractor with ChiroPlus New Orleans, LLC (“ChiroPlus”), which is not associated with LA Heath Solutions.⁹ Dr. Rodriguez only learned of Mr. Lee’s treatment with ChiroPlus at his deposition.¹⁰

Mr. Lee also did not inform Dr. Rodriguez of his extensive medical history of back and neck injuries sustained in prior MVCs, including ones that occurred on August 12, 2009 (the “August 2009 MVC”) (fractured neck bones and a broken collar bone); May 8, 2012 (the “May 2012 MVC”) (neck and back injuries); February 22, 2013 (the “February 2013 MVC”) (neck, back, and head injuries); April 12, 2014 (the “April 2014 MVC”) (neck and back injuries); and in July 2015 (the “July 2015 MVC”) (neck and back injuries). Nor did Mr. Lee inform Dr. Rodriguez of his medical history of having sustained a work injury in June 2012 in which he injured his back, or of his April 2015 injury when he allegedly slipped and fell into a hole, injuring his neck and back. Dr. Rodriguez was only aware of the May 2019 MVC in which Mr. Lee claimed neck and back injuries, for which Dr. Rodriguez had treated Mr. Lee in 2021 and 2022. Following Mr. Lee’s

at the settlement conference that he needed to get a doctor to say that he needed radiofrequency ablations in order to support the amount of damages he was claiming.

⁹ The day after the Accident, Mr. Lee consulted Thomas Marion Johnson, D.C., at ChiroPlus. He was treated by Dr. Johnson from January 7, 2023 until May 10, 2023, approximately five months.

¹⁰ Mr. Lee’s ChiroPlus records were introduced into evidence at trial.

radiofrequency ablation in 2022, he was involved in yet another MVC in June 2022, as to which he also claimed that he sustained neck and back injuries, and which he did not mention in the medical history that he provided to Dr. Rodriguez in 2025.¹¹

Mr. Lee was also involved in two subsequent MVCs that occurred on July 2, 2023 (the “July 2023 MVC”) and September 24, 2024 (the “September 2024 MVC”). Following each of those accidents, he again presented to Dr. Laudun of LA Health Solutions, claiming back and neck injuries.¹² Dr. Rodriguez was aware of the July 2023 and September 2024 MVCs and Mr. Lee’s claims to Dr. Laudun of aggravation of the injuries he sustained in the Accident as a result of the July 2023 and September 2024 MVCs through his LA Health Solutions medical file.

Two days after the September 2024 MVC Mr. Lee returned to Dr. Laudun at LA Health Solutions for treatment. In February 2025 Dr. Laudun ordered MRIs of Mr. Lee’s cervical and lumbar spine related to that MVC.¹³ Thereafter, Mr. Lee consulted Dr. Rodriguez, who examined Mr. Lee and reviewed the MRI results with him on March 10, 2025. According to Dr. Rodriguez, Mr. Lee’s cervical MRI showed bilateral lower cervical facet tenderness worse than upper facets, pain with facet loading, and normal upper extremity neurologic exam. His lumbar exam

¹¹ The May 2019 MVC is the only prior – to the Accident – MVC that was reflected in the records of LHS.

¹² Following the July 2023 MVC, Mr. Lee treated with Dr. Laudun from July 5, 2023, through September 29, 2023. Mr. Lee and Dr. Rodriguez both testified that the July 5, 2023 appointment with Dr. Laudun had been scheduled prior to the July 2023 MVC and was meant to address the injuries sustained in the January 6, 2023 Accident. Mr. Lee did not see Dr. Laudun after September 29, 2023, until after the September 2024 MVC, which he claimed aggravated his alleged January 6, 2023 injuries. Prior to consulting Dr. Laudun on July 5, 2023, Mr. Lee had been released by Dr. Johnson of ChiroPlus on May 10, 2023, at maximum medical improvement.

¹³ Mr. Lee was represented by counsel in conjunction with the September 2024 MVC. There was testimony/discussion at Dr. Rodriguez’s deposition regarding records that indicated that Progressive Insurance Company, not Allstate, was the “responsible party” for the injuries for which Mr. Lee was claiming damages as a result of that MVC. Dr. Rodriguez described this as an administrative entry, not a finding of causation, and reiterated that, in his opinion, Mr. Lee’s injuries for which Dr. Rodriguez was recommending a course of treatment in April 2025, were caused by the Accident, not the September 2024 MVC.

showed bilateral mid to lower lumbar tenderness, worse with loading, bilateral SI joint tenderness, and normal lower extremity neurologic exam. At that time, Dr. Rodriguez's recommended course of treatment was a medial branch block at left C5-T1 and left L4-S1, which was expected to provide short-term relief, proceeding with bilateral C5-T1 and bilateral L4-S1 radiofrequency ablations, which he opined would more likely than not need to be repeated every twelve to eighteen months.

On April 21, 2025, Dr. Rodriguez met with Mr. Lee to answer Mr. Lee's questions about the cause of his symptoms and his medical needs. Dr. Rodriguez informed Mr. Lee at that time that it was his opinion that the injuries sustained in the Accident were the cause of Mr. Lee's need for the recommended course of treatment. He agreed to provide Mr. Lee with a letter outlining Mr. Lee's conditions, the proposed course of treatment, and the costs of treatment, which he did. That letter, dated April 21, 2025 (the "Rodriguez Letter") contained the statement that the herniated disc at L5-S1 predated the Accident, which was consistent with the report of Dr. Rodriguez's review of Mr. Lee's February 2025 lumbar MRI wherein he stated: "L5-S1 shallow broad-based herniation and facet hypertrophy causing right worse than left nerve root compromise. When compared to prior study performed at Magnolia diagnostics on 1/7/2020, I see no significant difference."¹⁴

Dr. Rodriguez additionally testified that some of the disc bulges and abnormalities shown on the MRI that existed at C3-4, C4-5, C5-6, and C6-7, were the result of degenerative conditions that were common for a man Mr. Lee's age. He also acknowledged that the July 2023 and September 2024 MVCs could have caused the conditions depicted in the MRIs.

¹⁴ At trial, Mr. Lee abandoned his claims for damages related to treatment of the L5-S1 disc herniation because those injuries predated the Accident.

Further, Dr. Rodriguez admitted that he had recommended the same course of treatment for Mr. Lee that was outlined in the April 21, 2025 Rodriguez Letter in relation to the injuries that Mr. Lee claimed resulted from the May 2019 MVC. Dr. Rodriguez also confirmed that his 2025 opinions as to causation were heavily informed by the medical history provided by Mr. Lee and dependent upon the accuracy and completeness of the information and complaints of pain provided to him by Mr. Lee. Nevertheless, Dr. Rodriguez maintained – based on the increase in Mr. Lee’s reported acute symptoms following the Accident – at a time when he had been relatively pain free for approximately a year following the radiofrequency ablation administered in conjunction with injuries reportedly sustained in the May 2019 MVC – that Mr. Lee’s symptoms in 2025 were caused by the Accident, not any pre-existing conditions.¹⁵

3. Roderick Lee

The remainder of Mr. Lee’s evidence in his case-in-chief consisted primarily of his own narrative from the witness stand. Mr. Lee testified that on January 6, 2023, he was stopped at a red light at Earhart Boulevard and Dickory Avenue, in a stationary position, with his foot on the brake, when Mr. Zimmer’s vehicle “slammed” into the rear of his vehicle, pushing him “a good four or five feet forward and almost into oncoming traffic.” He described his head making contact with the steering wheel and his body being “retracted back straight up.” Mr. Lee stated that he was “dazed” for a brief period of time and “saw stars.” He was able to call 9-1-1 and admitted that in the stress of the moment, he may have raised his voice to the 9-1-1 operator. He waited in his vehicle for emergency personnel to

¹⁵ Mr. Lee’s questioning of Dr. Rodriguez was inconsequential, consisting of two questions: “What is anterolisthesis?” and “Can the attorney for the Defense show where Plaintiff had anterolisthesis before the January 6th of 2023 crash?” Dr. Rodriguez explained that anterolisthesis exists where a “top bone is sliding forward in relation to the bone below it.” He also responded that he did not recall seeing in any medical records existing prior to the Accident that Mr. Lee had anterolisthesis before January 6, 2023.

arrive. When they did, Mr. Lee asked for a cervical collar because he was afraid his neck might be broken. Once he was fitted with a cervical collar, he exited his vehicle and walked around it and retrieved paperwork from the passenger side of his car. He was able to enter the ambulance without assistance. He was taken to the East Jefferson General Hospital (“EJGH”) emergency room where he was treated and released.

Mr. Lee also related that he consulted Dr. Johnson of ChiroPlus the following day. He also went to work that day and, according to the ChiroPlus records introduced at trial, was able to perform his duties as the maintenance man at rental properties owned by his family. Mr. Lee received chiropractic treatment from ChiroPlus through May 10, 2023. Thereafter, he did not seek further treatment until July 5, 2024 – after the July 2023 MVC – when he consulted Dr. Laudun of LA Health Solutions.

Mr. Lee received chiropractic treatment from Dr. Laudun through September 23, 2023, but stopped because he could not get an MRI ordered, his attorney had quit representing him, and he could not resolve the case with Allstate. He went back to Dr. Laudun in 2024. At that time, Dr. Laudun ordered cervical and lumbar MRIs in February 2025. He then consulted with Dr. Rodriguez and stated that his treatment with Dr. Rodriguez was on-going.¹⁶

Mr. Lee presented his medical evidence through his verbatim reading of the uncertified medical record from the EJGH emergency room on the date of the Accident, from ChiroPlus, and from LA Health Solutions, which Mr. Lee introduced into evidence without objection from defense counsel. Mr. Lee also read the Rodriguez Letter into the record.

¹⁶ In contrast, Dr. Rodriguez testified that he had not been treating Mr. Lee and that Mr. Lee had not received any of the treatments that Dr. Rodriguez recommended in April 2025.

During his narrative testimony, Mr. Lee attempted to testify as to the “price tag” for the course of treatment recommended by Dr. Rodriguez, which he stated he obtained from the doctor. Defense counsel objected on the ground of hearsay and the objection was sustained. Mr. Lee then, in the presence of the jury, accused the court and defense counsel of thwarting his efforts to establish his damages, whereupon the trial court dismissed the jury and the conferenced with the parties. The court observed that it had not “thwarted” anything. The only invoice offered by Mr. Lee was the EJGH Emergency Room invoice, which had been introduced into evidence without objection. Mr. Lee had not offered any other invoices or medical billings into evidence, and none had been denied admittance. When the trial resumed, Mr. Lee was permitted to introduce into evidence the LA Health Solutions invoice.

Mr. Lee closed his direct testimony by asserting that the MRIs and Dr. Rodriguez’s testimony “clearly” demonstrated that “there are major injuries up and down my neck and lumbar areas;” that the EJGH records from January 6, 2023 “clearly shows at the hospital, neck strain, back strain, lip laceration, and closed head injury” that “stays with you for a lifetime, with or without [radiofrequency ablations];” and that “[t]he MRI of the neck clearly shows grade 1 anterolisthesis whereas my C7 bone does not match up with my T1 bone. And that’s not due to aging.”

On cross-examination, Mr. Lee was questioned about his long history of similar MVCs and other accidents (twelve of them), in conjunction with which, Mr. Lee had claimed to have sustained injuries similar to the ones for which he was seeking compensation in this action. Those MVCs and accidents have been identified above in conjunction with our review of Dr. Rodriguez’s testimony, and we will not repeat that discussion here. Mr. Lee’s responses were that the prior MVCs and accidents “had nothing to do with this crash,” “Zero,” which he

repeated several times. Defense counsel questioned Mr. Lee about the amounts he had recovered as a result of those prior MVCs and accidents. Mr. Lee denied that he had recovered in excess of a half million dollars as a result of his claims in conjunction with those accidents but admitted to having received in excess of two hundred thousand dollars. He stated that he had not been required to prove any of the claims for which he was paid in court; this was the only one.

Defense counsel's cross-examination of Mr. Lee explored a number of inconsistencies in Mr. Lee's claims. For example, Mr. Lee was presented with petitions that he had filed in conjunction with the August 2009 MCV and the 2019 MCV in which he alleged permanent impairment of his neck and back – the same allegations made in conjunction with the Accident. Mr. Lee explained that the petitions in the prior cases were "written by somebody else" and that "every lawsuit goes to that extent in order to back off later if they need to."

Defense counsel also impeached Mr. Lee with prior testimony given in his deposition relative to the May 2019 MCV, to the effect that he would need to be seen by a chiropractor "for the next thirty years" for injuries sustained in the May 2019 MCV, pointing out that Mr. Lee had failed to disclose that diagnosis in this case, even though it was relevant to his current claims. Mr. Lee was also questioned about medical records from an examination made in relation to the April 2014 MVC, wherein he reported having struck the steering wheel and then having whiplashed back, when he claimed in this litigation that he had never struck the steering wheel in any MVC other than in the Accident. Mr. Lee was cross-examined about several other internal inconsistencies in his claims/testimony in this litigation, as compared with claims he made and/or testimony that he gave in conjunction with other MVCs.¹⁷

¹⁷ For example, defense counsel's questioning established that (1) Mr. Lee testified that he was pain free in February 2022, at a time when he was still actively treating following the January 2022 MVC; (2) Mr. Lee claimed to be pain free in the period immediately preceding the

The district court admitted into evidence a May 20 and 21, 2025 certified summary report prepared by Dr. Ralph Katz, an orthopedic surgeon, who reviewed, summarized, and analyzed Mr. Lee's certified medical records from the May 2019 MVC, the January 2022 MVC, the Accident, the July 2023 MVC, and the September 2024 MVC (the "Katz Report").¹⁸ Mr. Lee objected to the Katz Report on the ground that Dr. Katz did not examine him at the time of the crash. His objection was overruled and defense counsel then questioned Mr. Lee about Dr. Katz's opinion that any symptoms from the Accident were minimal by May 10, 2023, when he was released by Dr. Johnson after achieving maximum medical improvement, and that any symptoms appearing thereafter were more likely than not attributable to the July 2023 MVC and the September 2024 MVC. Mr. Lee characterized Dr. Katz's opinion as "bunk."

At the completion of cross-examination, the district court gave Mr. Lee the opportunity to present facts in rebuttal. He then testified that "no previous crash was of the magnitude of [the Accident]." Mr. Lee also stated that he was relying on the *Housley* presumption, in that he came into the crash "more or less a one hundred percent healthy individual," with the implication being that only after the Accident, did his symptoms manifest.¹⁹ Mr. Lee also said that he "stood by" the

Accident when he was being treated by Dr. Awszthi as late as November 21, 2022, for neck and back pain as a result of injuries sustained in the May 2019 MVC; and (3) in contrast to Mr. Lee's claims that he was badly injured and permanently disabled as a result of injuries sustained in the Accident, he reported to medical professionals that he was continuing to perform physical work activities following the Accident.

¹⁸ The Katz Report was also a certified medical record of Westside Orthopedic Clinic and Dr. Katz.

¹⁹ Under *Housley v. Cerise*, 579 So.2d 973, 980 (La. 1991), when a plaintiff can show he was in good health prior to an accident and symptoms appear thereafter, there is a presumption that the injuries resulted from the accident, provided that medical evidence demonstrates 'a reasonable possibility of causal connection between the accident and the disabling condition.' The *Housley* presumption was statutorily abrogated by the Legislature by Acts 2025, No. 18, § 1, effective May 28, 2025, enacting La. C.E. art. 306.1. See *McBride v. Old Republic Ins. Co.*, 24-1519 (La. 6/27/25), 413 So.3d 452, 476 n.31; *Watts v. Domino's Pizza, L.L.C.*, 25-162 (La. App. 1 Cir. 2/13/26), writ denied, 26-355 (La. 5/27/26), 432 So. 3d 186.

Louisiana Uniform Crash Report prepared by the investigating State Trooper “as far as [his] story on the crash.”²⁰ He reiterated that he was stopped for about three to four, maybe five seconds at a full stop at a red light when he was “smashed into from the rear.”

After so testifying, Mr. Lee rested. The defense called no witnesses.

A. Motion for Directed Verdict; Jury Charge Conference

1. Motion for Directed Verdict

After Mr. Lee rested, and outside the presence of the jury, defense counsel moved for a directed verdict on the grounds that Mr. Lee had presented no medical proof of causation linking the Accident to the disc/spine herniations. Defense counsel argued that Dr. Rodriguez was the only doctor who testified and he did so through his deposition, without ever having been tendered or qualified as an expert witness. Accordingly, the defense argued that Dr. Rodriguez’s testimony was lay testimony and, as such was insufficient to establish a causal link between the disc/spine herniations and the Accident.

Mr. Lee argued that Dr. Rodriguez is an orthopedic surgeon, that he stated his qualifications at the deposition, and that no formal tender was required. According to Mr. Lee, “[i]t clearly shows in the record here all of his qualifications. And he has been doing this a long time. He was qualified in my last one. And he is qualified in this one.”

As to the parties’ arguments on defense counsel’s motion for a directed verdict, the record shows that on April 11, 2025, Mr. Lee filed a “Joint Pre-Trial Order,” which was not a *joint* pretrial order. The April 11, 2025 order included only *Mr. Lee’s* contentions, witness list, and exhibit list. Dr. Rodriguez was listed on Mr. Lee’s witness list but was not designated as an expert witness; however, the

²⁰ The crash report was entered into evidence at trial.

pleading contains the statement that “PLAINTIFF WILL PROVIDE THE EXPERT REPORT OF THE ORTHOPEDIC SURGEON.” Dr. Rodriguez was the only orthopedic surgeon on Mr. Lee’s witness list.

On July 11, 2025, thirty days prior to the scheduled trial date, Mr. Lee filed a document into the record entitled “Pre-Trial Papers.” This pleading listed Dr. Rodriguez as a witness; indicated that Mr. Lee first saw Dr. Rodriguez on March 10, 2025; that he had seen Dr. Rodriguez one or more occasions following the initial consultation; and that he was scheduled for an appointment on July 21, 2025. Mr. Lee represented that Dr. Rodriguez diagnosed disc herniations from C3 – C7, disc herniation from L5 – S1 and recommended medial branch blocks at a cost of \$8,574.54 or \$5,024.72, together with an additional \$14,427.06 each for recommended rhizotomies in the cervical and lumbar spine areas. Mr. Lee stated that his treatment by Dr. Rodriguez was ongoing and would extend into the future for some unspecified time period.²¹ Mr. Lee did not identify Dr. Rodriguez as an expert witness in his “Pre-Trial Papers.”

At the time Dr. Rodriguez’s deposition was read into the record at trial, Mr. Lee did not offer Dr. Rodriguez as an expert, nor did he at any time prior to or during the trial request the district court to accept him as an expert. Relevant to this appeal, Dr. Rodriguez did not indicate in the April 21, 2025 letter, which he prepared on Mr. Lee’s behalf, that he had been retained by Mr. Lee as an expert witness in the case. Nor did he testify in his deposition that he was rendering an opinion as an expert. The letter was prepared by him as Mr. Lee’s treating physician.

Mr. Lee offered to tender Dr. Rodriguez as an expert right then, but the court stated that he could not do so because he had rested his case. Mr. Lee made no

²¹ See comments above relative to Dr. Rodriguez’s testimony that Mr. Lee had not followed up with him for treatment after April 21, 2025.

request to reopen the record to permit him to tender Dr. Rodriguez as an expert.²²

Mr. Lee ultimately asserted that defense counsel could not make the argument that Dr. Rodriguez had not been qualified as an expert and that the argument was “fallacious.” Mr. Lee threatened to “go to the Fifth Circuit,” and was informed that he was free to do so.

The trial court took the matter under advisement and, following a recess, denied the motion for a directed verdict, stating that the “better course” was to “put this to the jury.” The court and the parties then proceeded to the jury charge conference.

2. Jury Charge Conference

Additional arguments were presented relative to Dr. Rodriguez’s status as an expert or lay witness during the jury charge conference when the trial court announced that it would not be charging the jury regarding expert testimony because no expert testified. The court explained to Mr. Lee that the removal of the expert witness jury charge did not mean that Dr. Rodriguez’s testimony was being excluded, only that the jury would be able to consider it as lay testimony. Mr. Lee again threatened to “suspend operations here and appeal any type of – to the Fifth Circuit Court of Appeals on any type of expert witness.” The district court informed him that he was free to go to the Fifth Circuit, but no stay would be granted. Mr. Lee did not present any further argument on, or interpose any objection to, the court’s removal of the expert witness jury charges.

The district court also removed the jury instructions concerning past and future lost wages because Mr. Lee was not making a claim for any. It also

²² Had Mr. Lee made such a request, it would have been within the sound discretion of the trial court whether to reopen the record for this purpose. *See Kim v. Kim*, 07-318 (La. App. 5 Cir. 10/30/07), 970 So.2d 1158, 1163-64; *LeBlanc v. Continental Grain Co., Inc.*, 95-813 (La. App. 5 Cir. 5/13/96), 672 So.2d 951, 958, *writ denied*, 96-1526 (La. 10/4/96), 679 So.2d 1383; *deBen v. Bobby Colling Seafood, Inc.*, 00-306 (La. App. 5 Cir. 10/31/00), 772 So.2d 266, 267-68. The jury was presented with Dr. Rodriguez’s testimony and was free to accept or reject it, in whole or in part, after weighing and evaluating it.

removed the jury instructions as to future medical expenses because Mr. Lee did not present any evidence of future medical expenses, as such. Mr. Lee then asked whether he could submit evidence of future medical expenses the following day. The district court informed him that he could not because he had rested his case. Mr. Lee did not lodge an objection to this ruling. Thereafter, when asked by the trial court whether he had any additions or deletions to the jury charges or the jury verdict form, Mr. Lee said, “No, I don’t need all of that, whatever it is.”²³

The Verdict

Based on the evidence presented, the jury concluded that Mr. Lee was 75% at fault, and Mr. Zimmer was 25% at fault, for causing the Accident. The jury awarded no damages to Mr. Lee. The district court entered judgment in accord with the jury’s verdict. Mr. Lee filed a Notice and Order for appeal on September 19, 2025, which was granted on September 25, 2025. Mr. Lee now timely appeals.

DISCUSSION

A. Preliminary Observations

In his appeal, Mr. Lee has provided us with a list of nine assignments of error – some containing multiple subparts – that he contends occurred during his trial; a list of ten issues presented for review; and ten numbered paragraphs containing statements that he contends contain his arguments. Many of the items listed in the assignments of error and issues presented for review relate to errors allegedly committed by defense counsel at trial; errors allegedly committed by Allstate in conjunction with the investigation of the Accident; and errors allegedly committed by Allstate and/or defense counsel and/or the district court in conjunction with pre-trial settlement negotiations.

²³ Mr. Lee did not present any proposed jury charges to the trial court.

Most of the issues and assignments of error raised by Mr. Lee are not subject to, or are outside the proper scope of, appellate review. Our review is limited to pre-trial rulings preserved for appeal, trial rulings made by the district court that were preserved for appeal, and the verdict/judgment.

Mr. Lee's "arguments" are simply affirmative statements of his general complaints about the trial. Mr. Lee has not cited us to any authority for the positions he takes in this appeal and has not presented any analysis of the issues. Nevertheless, we have attempted to identify, consolidate, and distill Mr. Lee's catalogue of grievances into distinct, reviewable assignments of error. We find that the cognizable issues that Mr. Lee has conceivably preserved for appeal are :

1. The district court erred in allowing defense counsel to question Mr. Lee about prior and intervening MVCs and claims made by him in conjunction with injuries he attributed to those MVCs;
2. The district court erred in failing to give an expert witness charge to the jury;
3. The jury erred in finding Mr. Lee to be seventy-five (75%) at fault in causing the Accident; and
4. The jury erred in failing to award damages to Mr. Lee.

Our review will be confined to these issues.

B. Standard of Review

It has long been settled law in Louisiana that a court of appeal may not set aside a trial court's or a jury's findings of fact in the absence of manifest error or unless clearly wrong. *Rosell v. Esco, Inc.*, 549 So.2d 840, 844 (La. 1989). Where there is a conflict in the testimony presented at trial, the fact-finder's reasonable evaluations of credibility and reasonable inferences of fact will not be disturbed on appeal, even though the appellate court may feel that its own evaluations and inferences are as reasonable. *Id.* If the trial court's or jury's findings are reasonable

in light of the record reviewed in its entirety, a court of appeal may not reverse its decision even though convinced that had it been sitting as the trier of fact, it would have weighed the evidence differently. *Id.* When there are two permissible views of the evidence, the factfinder's choice between them cannot be manifestly erroneous or clearly wrong. *Id.*

When findings are based on determinations regarding the credibility of witnesses, the manifest error/clearly wrong standard of review demands great deference to the trier of fact's findings because only the fact finder has the opportunity to observe the witnesses, including "the variations in demeanor and tone of voice that bear so heavily on the listener's understanding and belief in what is said." *Id.* (Citations omitted). Where, however, documents or objective evidence so contradict the witness' story, or the story itself is so internally inconsistent or implausible on its face, that a reasonable fact finder would not credit the witness' story, the court of appeal may find manifest error or clear wrongness even in a finding purportedly based upon a credibility determination. *Id.* at 844-45; *see also Stobart v. State, through Department of Transportation and Development*, 617 So.2d 880, 882 (La. 1993). "Where a fact finder's finding is based on its decision to credit the testimony of one of two or more witnesses, that finding can virtually never be manifestly erroneous or clearly wrong." 549 So.2d at 845. (Citations omitted).

A person injured through the fault of another is entitled to full indemnification for the damages caused by that fault. La. C.C. art. 2315; *State v. La. Land & Exploration Co.*, 12-0884 (La. 1/30/13), 110 So.3d 1038, 1047; *Wainwright v. Fontenot*, 00-492 (La. 10/17/00), 774 So.2d 70, 74. The defendant takes his victim as he finds him and is responsible for all natural and probable consequences of his tortious conduct. *Wainwright*, 774 So.2d at 74. In a personal injury action, the plaintiff bears the burden of proving the existence of the injury as

well as the connection between the injury sustained and the accident that caused the injury. *Lewis v. State*, 94-2370 (La. 4/21/95), 654 So.2d 311. The causal connection must be established through medical and lay testimony demonstrating that it is more probable than not that the injury was caused by the accident. *Maranto v. Goodyear Tire & Rubber Co.*, 94-2603 (La. 2/20/95), 650 So.2d 757. At the time of the Accident, Louisiana law provided that a plaintiff's injury is presumed to have resulted from an accident if before the accident the injured person was in good health but commencing with the accident the symptoms of the disabling condition appear and continuously manifest themselves afterward, providing that the medical evidence shows there to be a reasonable possibility of a causal connection between the accident and the disabling condition. *Housley v. Cerise*, 579 So.2d 973 (La. 1991).²⁴

The plaintiff bears the burden of proving that there is a causal relationship between the tortious conduct and the plaintiff's injuries through medical testimony demonstrating that it was more probable than not that the subsequent injuries were caused by the accident. *Maranto*, 650 So.2d at 761. The defendant may defeat the presumption by demonstrating that the plaintiff's injuries were caused by some incident other than the accident of which the plaintiff complains.

Louisiana applies a comparative fault system, based on the degree or percentage of fault of all persons causing or contributing to the injury. La. C.C. art. 2323(A). A jury's determination of causation and the apportionment of fault

²⁴ *Housley* was legislatively overruled by the Louisiana Legislature by Acts 2025 No. 18, § 1, which enacted La. C.E. art. 306.1, which provides:

Notwithstanding any other provision of law, in a claim for personal injury damages that is not raised pursuant to the Louisiana Workers' Compensation Law, the lack of a prior history of an illness, injury, or condition shall not create a presumption that an illness, injury, or condition was caused by the act that is the subject of the claim.

The article, however, has prospective effect only. It became effective May 28, 2025, and does not apply to Mr. Lee's cause of action in this case, which arose prior to its enactment.

pursuant to La. C.C. art. 2323 are questions of fact subject to the manifest error/clearly wrong standard of review; if the fact finder's conclusion was reasonable and supported by the record, the findings must stand. *Hamilton v. Progressive Waste Sols. Of LA, Inc.*, 23-139 (La. App. 5 Cir. 11/29/23), 377 So.3d 855, 857; *Hayes Fund for First United Methodist Church of Welsh, LLC v. Ker-McGee Rocky Mountain, LLC*, 14-2592 (La. 12/8/15), 193 So.3d 1110; *Clement v. Frey*, 95-1119, 95-1163 (La. 1/16/96), 666 So.2d 607, 610. The assessment of the appropriate amount of damages by a trial court or a jury is also a question of fact subject to the manifest error/clearly wrong standard of review. *Malta v. Herbert S. Hiller Corp.*, 21-209 (La. 10/10/21), 333 So.3d 384, 407-08; *Wainright v. Fontenot*, 00-492 (La. 10/17/00), 774 So.2d 70, 74; *Gorman v. Miller*, 12-0412 (La. App. 1 Cir. 11/13/13), 136 So.3d 834, 840.

Additionally, the trial court's decision to designate, qualify, and accept, or not, a witness as an expert pursuant to La. C.E. art. 702 is an issue of fact that is reviewed for an abuse of discretion/manifest error. *See State v. Craig*, 95-2499 (La. 5/20/97), 699 So. 2d 865, 870 (the decision to accept or reject a witness as an expert rests within the sound discretion of the trial court; the refusal of the trial court to qualify a witness as an expert will rarely, if ever, provide grounds for reversal); *State v. Watson*, 449 So.2d 1321 (La. 1984) (the ruling of the trial court will not be disturbed absent manifest error). *See also Tillman v. LAMMICO*, 24-0419 (La. App. 4 Cir. 8/27/24), 399 So. 3d 687, 692, *writ denied*, 24-01185 (La. 12/11/24), 396 So. 3d 968 (the trial court has broad discretion in determining whether expert testimony should be held admissible and who should or should not be permitted to testify as an expert; its decision is reviewed for abuse of discretion). All other evidentiary rulings, including whether to permit a witness to be questioned about prior accidents, injuries, and claims, are also reviewed for abuse of discretion, "meaning the trial court's ruling will not be disturbed unless it

is clearly erroneous.” *Ramos v. Alexander*, 18-355 (La. App. 5 Cir. 12/19/18), 262 So. 3d 1000, 1003, *citing Gorman v. Miller*, 12-0412 (La. App. 1 Cir. 11/13/13), 136 So.3d 834, 840.

C. Discussion of the Errors Raised by Appellant

1. Evidence of Prior and Subsequent Accidents, Injuries and Lawsuits

Mr. Lee’s “Assignments of Error” contain numerous paragraphs referencing defense counsel’s questions regarding and references to prior accidents in which Mr. Lee was involved and as to which he claimed injuries that are very similar, if not identical, to the injuries being claimed in the instant litigation. He contends that the trial court should not have permitted this line of questioning because, according to Mr. Lee, evidence of prior and intervening accidents, injuries, and claims are irrelevant to *this* Accident and his alleged injuries stemming therefrom. We find that, under the circumstances presented, the trial court did not err in permitting defense counsel to question Mr. Lee about the prior and subsequent accidents.

As we have stated, Mr. Lee was involved in at least ten other MVCs, as well as two non-MCV accidents, dating back to 2009, in conjunction with which Mr. Lee claimed injuries to his neck and back. Lawsuits were filed as a result of some of those MVCs, and some were settled prior to suit being filed. Only a few weeks before the Accident, Mr. Lee was still in treatment for back and neck injuries he received in MVCs that occurred in 2019. He was involved in at least two MVCs after the Accident, which he claimed aggravated his injuries from the Accident and which Dr. Rodriguez testified “could have” caused the injuries for which Mr. Lee sought damages in this action.²⁵

²⁵ Because of these prior and subsequent accidents, and the fact that he was still treating from the May 2019 MVC mere weeks before the Accident, Mr. Lee was not entitled to invoke the *Housley* presumption.

La. C.E. 608(B) provides that:

Particular acts, vices, or courses of conduct of a witness may not be inquired into or proved by extrinsic evidence for the purpose of attacking his character for truthfulness, other than conviction of a crime as provided in articles 609 and 609.1 or as constitutionally required.

The evidence of Mr. Lee's prior and subsequent MVCs and the injuries he claimed as a result did not run afoul of the prohibition set forth in Article 608(B). The evidence was admissible to show that Mr. Lee had been involved in numerous other MVCs, some of which were strikingly similar to the Accident, and in regard to which, he had claimed permanent debilitating injuries to the same areas complained of in the present lawsuit. *See Matthews v. Breaux*, 04-958 (La. App. 5 Cir. 2/15/05), 896 So.2d 1146, 1151, and *Gongora v. Snay*, 93-322 (La. App. 5 Cir. 1/28/1994), 626 So.2d 759, 762-63, both finding that evidence of prior accidents and injuries were relevant for purposes other than to prejudice the factfinder against the plaintiff. The evidence was also relevant to show Mr. Lee's prior medical history, which he did not share with the medical professionals who treated him, ostensibly, for the injuries he claimed to have sustained in the Accident. Thus, such evidence was relevant to causation and damages. It was also relevant for impeachment purposes to attack Mr. Lee's credibility under La. C.E. art. 607(D)(2), which states that:

Other extrinsic evidence, including prior inconsistent statements and evidence contradicting the witness' testimony is admissible when offered solely to attack the credibility of a witness unless the court determines that the probative value of the evidence on the issue of credibility is substantially outweighed by the risks of undue consumption of time, confusion of the issues, or unfair prejudice.

Here, Mr. Lee did not argue at trial that the evidence was unduly prejudicial. He simply asserted that none of the prior MVCs were relevant to the Accident or the injuries he sustained in the Accident. In this case, however, we find the evidence of prior and subsequent MVCs, injuries, and claims/lawsuits was highly

relevant and not unduly prejudicial. The evidence was utilized to not only demonstrate Mr. Lee's prior history of similar MVCs, his medical history of claiming injuries to his neck and back, and to attack his credibility, but also to impeach Dr. Rodriguez's testimony and opinions. Dr. Rodriguez admitted that Mr. Lee had not provided him with his full medical history at the time Dr. Rodriguez examined him and at the time he opined that Mr. Lee's injuries probably were caused by the Accident. This evidence demonstrated that Dr. Rodriguez's opinion was not fully informed and assisted the fact finder in weighing his testimony.

2. The Failure of the Trial Court to Give the Jury an Expert Witness Charge as to Dr. Rodriguez

Mr. Lee never asked the trial court to qualify Dr. Rodriguez as an expert witness, never tendered him as such, and never identified him as an expert witness. He simply assumed that Dr. Rodriguez was testifying as his expert and argued that Dr. Rodriguez's qualifications were evident from his deposition. Dr. Rodriguez did not provide an expert witness report; he simply prepared a letter for Mr. Lee to use in conjunction with settlement negotiations with Allstate.²⁶

Mr. Lee claims that the trial court *excluded* Dr. Rodriguez's testimony. It did not. The trial court simply found that Dr. Rodriguez had testified as a lay witness rather than as an expert witness, because he had not been qualified or tendered as such. Dr. Rodriguez's testimony was read into the record at trial and comprised part of the evidence considered by the jury.

Moreover, Mr. Lee did not address his failure to tender Dr. Rodriguez as an expert witness in his argument in opposition to the defense motion for a directed verdict. He simply opined that no tender was necessary because Dr. Rodriguez

²⁶ Because Mr. Lee never identified Dr. Rodriguez as an expert, never sought to qualify him as an expert, never tendered him as an expert, and did not provide or exchange an expert witness report prepared by Dr. Rodriguez, the defendant was not required to file a pre-trial motion as required by La. C.C.P. art. 1425(F) challenging Dr. Rodriguez's qualifications or methodology.

“was qualified in my last one. And he is qualified in this one.” Mr. Lee did not lodge an objection to the removal of the expert witness charge from the jury charges; nor did he lodge any objection to any other jury charge. He did, however, ask whether he needed to “suspend operations here and appeal any type of – to the Fifth Circuit Court of Appeals on any type of expert witness?” The trial court responded that it could not advise Mr. Lee but that no stay of the proceedings would be granted no matter what he decided to do about going to the Fifth Circuit. Mr. Lee’s threat to seek relief from this Court is not a substitute for an objection on the record. He did not, thereafter, lodge any objections to the jury charges or the jury interrogatories.

Under the circumstances presented, the trial court did not commit manifest error in refusing to present an expert witness charge to the jury since no expert testified, as such, at trial. The trial court’s decision was not clearly wrong. Instead, the trial court struck a proper balance by allowing Dr. Rodriguez’s testimony to go to the jury, but as lay testimony only. Further, Mr. Lee did not preserve any objections to the jury charges or the jury interrogatories for appeal. Moreover, Dr. Rodriguez’s full testimony was presented to the jury and was considered and weighed by the jury in rendering its verdict. Even if Dr. Rodriguez had testified as an expert, the jury would have been free to accept or reject his testimony. *Harrington v. Wilson*, 08-544 (La. App. 5 Cir. 1/13/09), 8 So.3d 30, 39.

3. Apportionment of 75% Comparative fault to Mr. Lee and Failure to Award Damages

Mr. Lee argues that the jury erred in apportioning 75% fault to him and 25% fault to Mr. Zimmer, who rear-ended him, and in failing to award him any damages. It is clear that the jury’s verdict was based upon its assessment of the credibility of the witnesses, in particular, Mr. Lee. The jury simply did not believe his testimony that he did not proceed into the intersection and then “slam on” his

brakes, causing the collision with Mr. Zimmer's vehicle. The jury also did not believe Mr. Lee's testimony relative to his injuries. Although Mr. Lee introduced records at trial from the EJGH emergency room, ChiroPlus and LA Health Solutions, there was ample evidence in the record to allow the jury to conclude that Mr. Lee's complaints of injury were related to the 2019 MCV, the July 2023 MCV, and/or to the September 2023 MCV. The findings of the tests conducted at EJGH on the day of the Accident were unremarkable. The jury could have concluded that the records from ChiroPlus and LA Health Services were tainted by Mr. Lee's failure to disclose his full medical history to his treating physicians and chiropractors.

Mr. Lee stated that the case was based on "his word against mine." The jury observed Mr. Lee's demeanor, heard his testimony, and considered his evidence and chose not to accept his word.

The evidentiary issues raised by Mr. Lee, such as the admission of the allegedly misleading photographs, the court's allegedly permitting defense counsel to mischaracterize Mr. Zimmer's testimony, and the failure of the trial court to permit him to supplement the record with additional invoices after he rested his case, were not preserved for appeal and even if they had been, we do not believe that any favorable rulings by the trial court excluding the complained of evidence or permitting the supplementation of the record would have changed the jury's verdict.

One issue that Mr. Lee did conceivably preserve for appeal is his contention that the trial court erred in permitting Dr. Katz's report to be introduced into evidence. The basis of his objection to the report coming into evidence at trial, however, was that Dr. Katz had not examined him at the time of the accident. That was not a valid basis for excluding Dr. Katz's report from evidence.

There was conflict in the testimony at trial and internal conflict in Mr. Lee's own testimony. The jury weighed the testimony and assessed the credibility of the witnesses and based its judgment thereon. Considering the record as a whole, we do not find that the jury acted unreasonably. Accordingly, we are not at liberty to ignore the jury's reasonable evaluations of credibility and reasonable inferences of fact even if we would have ruled differently had we sat as the factfinders. There is ample evidence in the record to support the jury's verdict.

DECREE

For all of the reasons stated above, the trial court's judgment is affirmed and this appeal is dismissed, at appellant's cost.

AFFIRMED

SUSAN M. CHEHARDY
CHIEF JUDGE

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JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED
IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY
SEPTEMBER 23, 2026 TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL
PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-CA-24

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)
HONORABLE NANCY A. MILLER (DISTRICT JUDGE)
JAMES L. DONOVAN, JR. (APPELLEE) P. M. DONOVAN (APPELLEE)
RODERICK F. LEE (APPELLANT)

MAILED

NO ATTORNEYS WERE MAILED