

LOUISIANA COURT OF APPEAL, FOURTH CIRCUIT

Darre Finney and Glenda Marie Smith v. The Board of Commissioners of the Port of New Orleans, M/V CMA CGM Bianca and Teucarrier No. 3 Corp.

Finney v. Board of Commissioners · No. 2025-CA-0423 · Decided January 7, 2026

SUMMARY

The Louisiana Fourth Circuit Court of Appeal vacated both the August 15, 2024 and November 15, 2024 judgments in a personal-injury action arising from a gantry-crane incident at the Port of New Orleans. The court held that the November judgment improperly made substantive amendments to the original judgment and was an absolute nullity. It also held that the original judgment failed to include required findings concerning fault, causation, and the classification of damages, and remanded for a compliant judgment.

CASE DETAILS

COURT	Louisiana Court of Appeal, Fourth Circuit
WRITING FOR THE COURT	Monique G. Morial; Rosemary M. Ledet; Nakisha Ervin-Knott
JURISDICTION	Louisiana Court of Appeal, Fourth Circuit
DECIDED	January 7, 2026
DOCKET	2025-CA-0423
DISPOSITION	vacated
PROCEDURAL POSTURE	The Port appealed the trial court's August 15, 2024 and November 15, 2024 judgments awarding damages to Finney and Smith and assigning fault to the Port and Teucarrier.
PRECEDENTIAL VALUE	published
PARTIES	The Board of Commissioners of the Port of New Orleans v. Darre Finney, Glenda Marie Smith, Teucarrier No. 3 Corp.

TOPICS

- civil procedure
- appellate procedure
- motion for new trial
- personal injury
- admiralty

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court's November 15, 2024 judgment was an impermissible substantive amendment of the August 15, 2024 final judgment.
2. Whether the August 15, 2024 judgment was deficient because it failed to make the specific findings required in a bench trial involving damages for injury, death, or loss.
3. Whether both judgments had to be vacated and the matter remanded for entry of a judgment complying with Louisiana Code of Civil Procedure articles 1917 and 1812.

HOLDINGS

1. The second judgment was an improper substantive amendment and therefore an absolute nullity because it added a loss-of-consortium award and materially changed the structure of the damages award without use of the procedures required to alter the substance of a final judgment.
2. The original judgment was deficient and had to be vacated because it failed to make the specific findings required by Louisiana Code of Civil Procedure articles 1917(B) and 1812(C), including findings regarding fault, legal causation, degrees of fault, and the categorization of damages.

KEY QUOTATIONS

“An amendment that “adds to, subtracts from, or in any way affects the substance of a judgment, is considered a substantive amendment.”” (at 6)

“The remedy generally granted by an appellate court when it finds an improper substantive amendment has been made to a final judgment is to set aside and annul the amending judgment and to reinstate the original judgment.” (at 6)

“Thus, the above-cited articles mandate that after a bench trial, a trial court shall make these specific findings of fact, whether or not either party requests them.” (at 8)

FACTUAL BACKGROUND

On August 2, 2020, Darre Finney, a gantry crane operator, was injured while loading the M/V CMA CGM Bianca at the Port of New Orleans during a sudden storm involving intense rain and winds. The Port contended that the vessel broke loose from its moorings and dragged the crane, while Finney alleged that the Port allowed unreasonable and dangerous conditions to exist on the crane. Finney sustained shoulder and lumbar injuries requiring multiple surgeries, and Finney and Glenda Marie Smith asserted negligence and loss-of-consortium claims against the Port, the vessel, and its registered owner, Teucarrier.

PROCEDURAL HISTORY

Finney and Smith filed a damages action in the Civil District Court for Orleans Parish arising from Finney's injuries while operating a gantry crane during a storm. Teucarrier's motion for summary judgment under 33 U.S.C. § 905(b) was denied, and the matter proceeded to a bench trial. The trial court entered an original

judgment awarding \$3,142,111.08 and later signed a second judgment adding a separate loss-of-consortium award and changing the allocation and structure of the damages. The appellate court vacated both judgments and remanded for entry of a judgment complying with Louisiana Code of Civil Procedure articles 1917 and 1812.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The trial court must issue a new judgment consistent with Louisiana Code of Civil Procedure articles 1917 and 1812, including the required findings concerning fault, legal causation, degrees of fault, and the amounts and classification of damages.

CASES CITED

- Hill v. Texaco, 674 F.2d 447, 451 (5th Cir. 1982)
- Scindia Steam Navigation Co. v. De Los Santos, 451 U.S. 156, 101 S. Ct. 1614, 68 L. Ed. 2d 1 (1981)
- Mercato v. Elisio, L.L.C. v. City of New Orleans, 22-0228, p. 7 (La. App. 4 Cir. 12/21/22), 356 So. 3d 505, 510
- Safeguard Storage Properties, L.L.C. v. Donahue Favret Contractors, Inc., 10-0673, p. 9 (La. App. 4 Cir. 3/31/11), 60 So. 3d 110, 117
- Bates v. City of New Orleans, 13-1153, pp. 13-14 (La. App. 4 Cir. 3/26/14), 137 So. 3d 774, 784-85
- Freeman v. Zara's Food Store, Inc., 16-0445, p. 13 (La. App. 4 Cir. 11/2/16), 204 So. 3d 691, 699-700
- Laboriel-Pitio v. Latiker, 20-0669, p. 13 (La. App. 4 Cir. 6/16/21), 323 So. 3d 929, 937
- Jones v. Quality Distrib., Inc., 21-0280, p. 2 (La. App. 4 Cir. 8/4/21), 325 So. 3d 1097, 1098