

LOUISIANA COURT OF APPEAL, SECOND CIRCUIT

Brigid A. Connell and Kenneth D. Goforth v. Richwood Gardens, Inc., Keith A. McGough, State Farm Mutual Automobile Insurance Company, Dustin B. DeMoss and Progressive Insurance Company

No. 56,668-CA · No. No. 56,668-CA · Decided December 17, 2025

SUMMARY

The Louisiana Second Circuit Court of Appeal affirmed a judgment finding Dustin B. DeMoss 100% at fault for a three-vehicle collision and finding no negligence by Richwood Gardens, Inc. or Keith A. McGough. The court held that the district court did not commit manifest error in its jury instructions or in denying the plaintiffs’ motion for a new trial.

CASE DETAILS

COURT	Louisiana Court of Appeal, Second Circuit
WRITING FOR THE COURT	Stone; Hunter; Cox
JURISDICTION	Louisiana Court of Appeal, Second Circuit
DECIDED	December 17, 2025
DOCKET	No. 56,668-CA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed after a jury assigned 100 percent fault for a three-vehicle collision to Dustin DeMoss, found no negligence or causation by the Richwood Gardens defendants, and the district court denied plaintiffs' motion for a new trial.
STANDARD OF REVIEW	The adequacy of jury instructions is reviewed for manifest error. The appellate court will not reverse unless the instructions were so erroneous or inadequate that the jury was prevented from reaching a verdict based on the law and facts. A district court's factual findings and denial of a new trial are likewise reviewed under the manifest-error or clearly-wrong standard; a verdict should be upheld if supported by any fair interpretation of the evidence.
PRECEDENTIAL VALUE	Published Louisiana Court of Appeal opinion
PARTIES	Brigid A. Connell, Kenneth D. Goforth v. Richwood Gardens, Inc., Keith A. McGough, State Farm Mutual Automobile Insurance

TOPICS

jury instructions

standard of review

appellate procedure

negligence

proximate cause

PRACTICE AREAS

personal injury

automobile negligence

jury instructions

appellate review

insurance

QUESTIONS PRESENTED

1. Whether the district court manifestly erred by refusing to give requested jury instructions concerning the alleged illegal operation of the backhoe under La. R.S. 32:263(B) and La. R.S. 32:298(A), and the related principles discussed in *Brooks v. State ex rel. Department of Transportation & Development and Barber Bros. Contracting Co., LLC v. Capitol City Produce Co., LLC*.
2. Whether the jury's finding that Richwood Gardens and its employees were not negligent and that DeMoss was 100 percent at fault was contrary to the law and evidence such that a new trial was required.

HOLDINGS

1. The district court did not commit manifest error by declining to give the appellants' requested special instructions concerning the operation of farm or construction equipment on the highway. The instructions given correctly stated the substance of the applicable law, were not misleading, and adequately addressed the issues for the jury.
2. The jury's determination that DeMoss was 100 percent at fault and that Richwood Gardens was not negligent was reasonably supported by the evidence. The district court therefore did not err in denying the motion for a new trial.

KEY QUOTATIONS

“Following motorist in rearend collision is presumed to have breached his duty and therefore presumed negligent.” (5)

“The sudden emergency doctrine is applicable to the standard of conduct after an emergency has arisen and cannot lower the standard of care required of motorists prior thereto.” (7)

FACTUAL BACKGROUND

On September 30, 2020, a Richwood Gardens employee drove a borrowed backhoe northbound on U.S. Highway 165 at less than 20 miles per hour, with manager Keith McGough following closely in a pickup truck. Connell and Goforth approached the slow-moving vehicles, slowed behind McGough, and activated their emergency flashers without changing lanes because their exit was nearby. Dustin DeMoss, traveling at a high rate of speed and swerving between lanes, rear-ended the appellants' SUV and propelled it into McGough's truck; the backhoe was not struck.

PROCEDURAL HISTORY

Connell and Goforth sued DeMoss, Richwood Gardens, and McGough for injuries arising from a rear-end collision that propelled their vehicle into McGough's truck. After trial, the jury assigned all fault to DeMoss and found no fault by the Richwood Gardens defendants. The district court denied plaintiffs' motion for a new trial with written reasons, and plaintiffs appealed, challenging the jury instructions and the allocation of fault.

DISPOSITION

affirmed

CASES CITED

- Brooks v. State ex rel. Dep't of Transp. & Dev., 10-1908 (La. 7/1/11), 74 So. 3d 187
- Barber Bros. Contracting Co., LLC v. Capitol City Produce Co., LLC, 23-00788 (La. 6/28/24), 388 So. 3d 331, reh'g granted, 23-00788 (La. 8/2/24), 389 So. 3d 828, on reh'g, 23-00788 (La. 12/19/24), 397 So. 3d 404, reh'g denied, 23-00788 (La. 2/14/25), 400 So. 3d 918
- Adams v. Rhodia, Inc., 07-2110 (La. 5/21/08), 983 So. 2d 798
- Johnson v. First Nat. Bank of Shreveport, 00-870 (La. App. 3 Cir. 6/20/01), 792 So. 2d 33, writ denied, 01-2770 (La. 1/4/02), 805 So. 2d 212, and writ denied, 01-2783 (La. 1/4/02), 805 So. 2d 213
- Wooley v. Lucksinger, 09-0571 (La. 4/1/11), 61 So. 3d 507, 574
- Martinez v. Schumpert Med. Ctr., 27,000 (La. App. 2 Cir. 5/10/95), 655 So. 2d 649
- Davis v. Wal-Mart Stores Inc., 00-0445 (La. 11/28/00), 774 So. 2d 84
- Stobart v. State Dept. of Transp. & Dev., 617 So. 2d 880 (La. 1993)
- Fowler v. Wal-Mart Stores, Inc., 30,843 (La. App. 2d Cir. 8/19/98), 716 So. 2d 511
- Anderson v. May, 01-1031 (La. App. 5 Cir. 2/13/02), 812 So. 2d 81
- Ebarb v. Matlock, 46,243 (La. App. 2 Cir. 5/18/11), 69 So. 3d 516, 521, writ denied, 2011-1272 (La. 9/23/11), 69 So. 3d 1164
- Chambers v. Graybiel, 25,840 (La. App. 2 Cir. 6/22/94), 639 So. 2d 361, writ denied, 94-1948 (La. 10/28/94), 644 So. 2d 377
- Knowles v. McCright's Pharmacy, Inc., 34,559 (La. App. 2 Cir. 4/4/01), 785 So. 2d 101
- Mart v. Hill, 505 So. 2d 1120 (La. 1987)