

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2011 CA 1570

 KEITH SIMMONS, INDIVIDUALLY AND ON BEHALF OF HIS  
MINOR CHILD, JOYCE M. SIMMONS

VERSUS

JOHN DOE, TERREBONNE PARISH SCHOOL BOARD AND  
LOUISIANA SCHOOLS SELF-INSURED GROUP

**DATE OF JUDGMENT:** MAR 23 2012

ON APPEAL FROM THE CITY COURT OF HOUMA  
NUMBER 09-00691, PARISH OF TERREBONNE  
STATE OF LOUISIANA

HONORABLE JUDE THADDEUS FANGUY, JUDGE

\*\*\*\*\*

Roy S. Bonner, II  
Houma, Louisiana

Counsel for Plaintiff-Appellee  
Rosa Jones, on behalf of the  
Minor Child, Joyce M. Simmons

Bernard F. Levy  
Houma, Louisiana

Counsel for Defendants-Appellants  
Terrebonne Parish School Board and  
Kenneth Jackson

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BEFORE: WHIPPLE, KUHN, AND GUIDRY, JJ.

Disposition: AFFIRMED.

*Whipple, J. concurs with reasons assigned.*

KUHN, J.

Defendants-appellants, Kenneth Jackson and the Terrebonne Parish School Board appeal a trial court judgment that awarded \$10,000.00 in general damages to the plaintiff-appellee, Rosa Jones, as tutrix on behalf of her minor sister, Joyce M. Simmons, for personal injuries sustained in a school bus accident.<sup>1</sup> On appeal, appellants challenge the quantum of general damages awarded. The record reveals that Joyce sustained soft-tissue issues to her neck and shoulder that required treatment for a period of approximately two months. Based on our thorough review of the record, we cannot say that the trial court abused its vast discretion in the amount of general damages awarded. *See* La. C.C. art. 2324.1; *Youn v. Maritime Overseas Corp.*, 623 So.2d 1257, 1261 (La. 1993), *cert. denied*, 510 U.S. 1114, 114 S.Ct. 1059, 127 L.Ed.2d 379 (1994). Accordingly, the trial court's judgment is affirmed in compliance with Uniform Rules – Courts of Appeal, Rule 2-16.2.A(2), (4), (6), (7), and (8). Appeal costs are assessed against defendants-appellants in the amount of \$1,123.50.

**AFFIRMED.**

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<sup>1</sup> Keith Simmons, Joyce's father, originally filed this suit, individually and on behalf of Joyce. Following his death in 2010, Joyce's sister, Rosa Jones, was named as her tutrix and was substituted as Joyce's legal representative in the present matter.


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 **WHIPPLE, J., concurring.**

While the amount awarded is on the higher side of such cases, I am unable to say the amount is abusively so, given the record, the discretion reserved to the trial court and the precepts which govern our review.