

Trial Victory For Hotel and Restaurant Operator in Orleans Parish

In a week-long jury trial last week, attorneys Joe Hassinger and Jason Camelford were privileged to represent a local hotel and restaurant owner. The case stemmed from a fight between two employees (the chef and the food and beverage manager) that occurred on the employer's premises. Joe and Jason represented only the employer; the alleged aggressor-employee was represented by his own counsel. The plaintiff sustained two cervical herniations that required fusion surgery. The hotel's primary defense was that the acts of the alleged aggressor were not in the course and scope of his employment. The case law on course and scope shows that the determination is very fact dependent, with even analogous circumstances leading to inconsistent and unpredictable jury verdicts and appellate decisions. After several days of testimony, and about 10 hours of deliberation, the jury held that the acts of the alleged aggressor were outside the course and scope of his employment; thus, the employer would bear no responsibility for the \$1.7MM verdict awarded against the defendant-employee.