

**SUPREME COURT OF LOUISIANA**

96-C-1027

**KIMBERLY SYRIE, ET AL**

VERSUS

**VICTOR R. SCHILHAB, ET AL**

C/W

**ROBERT SIDNEY ETIE, ET AL**

VERSUS

**VICTOR R. SCHILHAB**

**JOHNSON, JUSTICE (DISSENTING)**

This multi-vehicular collision occurred on the elevated portion of Interstate-10 over the Atchafalaya Basin, three (3) miles east of the Whiskey Bay Bridge on November 19, 1989 at about 5:30 p.m. (after sundown)

I believe that it was clear negligence for Louisiana State Trooper Segura to attempt to stop the traffic flow on a heavily travelled interstate highway using only a hand held flashlight.

Segura parked his patrol vehicle on the shoulder, with lights flashing, then stepped into the right traffic lane using only the flashlight to stop both lanes of traffic.

In this case, the state trooper breached the duty he owed to plaintiffs to use reasonable care under the circumstances in performing traffic control. His negligence was a cause-in fact of the collision, and when combined with the negligence of the speeding truck driver resulted in plaintiff's injuries.