

IMMEDIATE NEWS RELEASE

NEWS RELEASE # 24

FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Opinions handed down on the 9th day of April, 2003, are as follows:

PER CURIAM:

2002-C- 1496

MICHAEL WILLIAM MCGRAIL, INDIVIDUALLY, AND RAYMOND WINTERS, AS THE TUTOR OF JAMES PHILLIP MCGRAIL AND SANDRA MARIE MCGRAIL, INDIVIDUALLY AND AS THE SURVIVING CHILDREN OF MARGARET ALEXANDRIA WINTERS v. JESSIE R. LEE, MITCHELL TRANSPORTATION SERVICES, INC. AND CLARENDON NATIONAL INSURANCE COMPANY, IN SOLIDO (Parish of Caddo)

Upon defendants' application, we granted certiorari in this case. McGrail v. Lee, 2002-1496 (La. 10/4/02), 826 So.2d 1110. After hearing oral arguments and reviewing the record of the matter, we conclude that the judgment below does not require the exercise of our supervisory authority. Accordingly, we recall our order of October 4, 2002, as improvidently granted, and we deny defendants' application.

CALOGERO, C.J., dissents and assigns reasons.
VICTORY, J., dissents and assigns reasons.
WEIMER, J., dissents.

04/09/03

SUPREME COURT OF LOUISIANA

NO. 2002-C-1496

**MICHAEL WILLIAM MCGRAIL, INDIVIDUALLY, AND
RAYMOND WINTERS, AS THE TUTOR OF
JAMES PHILLIP MCGRAIL AND SANDRA MARIE MCGRAIL,
INDIVIDUALLY AND AS THE SURVIVING CHILDREN OF
MARGARET ALEXANDRIA WINTERS**

VERSUS

**JESSIE R. LEE, MITCHELL TRANSPORTATION SERVICES, INC.
AND CLARENDON NATIONAL INSURANCE COMPANY, IN SOLIDO**

On Writ of Certiorari to the Court of Appeal, Second Circuit, Parish of Caddo

Per Curiam

Upon defendants' application, we granted certiorari in this case. **McGrail v. Lee**, 2002-1496 (La. 10/4/02), 826 So.2d 1110. After hearing oral arguments and reviewing the record of the matter, we conclude that the judgment below does not require the exercise of our supervisory authority. Accordingly, we recall our order of October 4, 2002, as improvidently granted, and we deny defendants' application.

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**JESSIE R. LEE, MITCHELL TRANSPORTATION SERVICES, INC.,
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**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL
SECOND CIRCUIT, PARISH OF CADDO**

CALOGERO, Chief Justice, dissents and assigns reasons.

I dissent from the action of the court in recalling the writ. The writ application was granted, the case briefed, oral arguments made, and the case assigned for opinion.

At this juncture the case should be decided on its merits.

04/09/03

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VICTORY, J., dissenting

In my view the Court should not recall the writ, but should address the amount of the award in this case.