

01/30/02 "See News Release 008 for any concurrences and/or dissents."
SUPREME COURT OF LOUISIANA

NO. 02-CC-0280

JERRILYN AND JEROME CONNER

V.

DR. HOWARD STELLY, ET AL.

PER CURIAM

Granted in part. Although payment of \$100,000 in settlement establishes proof of liability for the malpractice and for damages of at least \$100,000 resulting from the malpractice, at the trial against the Fund, the plaintiff has the burden of proving that the admitted malpractice caused damages in excess of \$100,000.

Graham v. Willis-Knighton Med. Ctr., 97-0188 (La. 9/9/97), 699 So. 2d 365.

Accordingly, that portion of the trial court's judgment prohibiting the PCF from arguing or presenting evidence before the jury that victim or third-party fault caused any of the damages in this case is reversed. In all other respects, the application is denied. Case remanded to the trial court for further proceedings.