

04/01/2005 “See News Release 024 for any concurrences and/or dissents.”

SUPREME COURT OF LOUISIANA

No. 2005-C-0166

DEBORAH DESCANT, et al.

VERSUS

EDUARDO HERRERA, M. D.

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL
FOURTH CIRCUIT, PARISH OF ORLEANS**

CALOGERO, Chief Justice concurs in the writ denial:

I would prefer to grant this application for the facts are undisputed and the trial court made a correct determination that plaintiffs are entitled to summary judgment in their nullity action, in my view.

However, because the harm in denying this application is only delay, I simply concur in the court’s action today. I believe that the district court judge who ruled that plaintiffs were entitled to summary judgment in their favor will likely render the same ultimate ruling nullifying the pro-defense jury verdict entered earlier in the case.