

01/20/04 “See News Release 007 for any concurrences and/or dissents.”

SUPREME COURT OF LOUISIANA

04-CC-0109

PHYLLIS K. ROBY DOERR, ET AL

versus

MOBILE OIL CORPORATION, ET AL

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

KIMBALL, J., dissenting

I respectfully dissent. Notwithstanding the *ad hoc* judge’s failure to properly withdraw from this case, Judge Cresap has been duly elected to preside over the 34th Judicial District Court, Division “C,” for the Parish of St. Bernard, the division in which this case arose. This court’s original order appointing the *ad hoc* judge was necessary because of impediments that no longer exist. Consequently, the order should be recalled and the case should be heard by the duly elected judge of Division “C” who is ready, willing and able to hear it.

For these reasons, I respectfully dissent.