

06/25/04 "See News Release 053 for any concurrences and/or dissents."

SUPREME COURT OF LOUISIANA

NO. 04-CC-1316

STEPHEN P. BASCO, ET UX.

V.

LIBERTY MUTUAL INSURANCE COMPANY, ET AL.

PER CURIAM

Granted. Because the trial court failed to completely decide the admissibility of defendants' expert evidence under *Daubert v. Merrill Dow Pharmaceuticals*, 509 U.S. 579 (1993), and *State v. Foret*, 628 So. 2d 1116 (La. 1993), the court was premature in reaching plaintiffs' motion for partial summary judgment. See *Independent Fire Ins. v. Sunbeam Corp.*, 99-2181 (La. 2/29/00), 755 So. 2d 226.

Accordingly, the judgment of the court of appeal is vacated and set aside. The case is remanded to the trial court to decide the admissibility of defendants' expert evidence under *Daubert/Foret* and to decide plaintiffs' motion for partial summary judgment, following the standards set forth in *Independent Fire*.