

Supreme Court of Louisiana

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FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Opinions handed down on the 3rd day of May, 2017, are as follows:

PER CURIAM(S):

2016-C-1591 FLOYD SAFFORD v. HAMMERMAN & GAINER INTERNATIONAL, INC. AND
NEW ORLEANS FIRE DEPARTMENT (Office of Workers' Compensation, District 8)

Accordingly, we recall our order of December 16, 2016 as improvidently granted, and we deny the writ application.

WEIMER, J., dissents and assigns reasons.

05/03/2017

SUPREME COURT OF LOUISIANA

No. 2016-C-1591

FLOYD SAFFORD

VERSUS

HAMMERMAN & GAINER INTERNATIONAL, INC.
AND NEW ORLEANS FIRE DEPARTMENT

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FOURTH
CIRCUIT, OFFICE OF WORKERS' COMPENSATION, DISTRICT 8

PER CURIAM

We granted defendant's application for a writ of certiorari in this case on December 16, 2016. After receiving briefing from the parties and reviewing the record of the matter, we conclude the judgment below does not require the exercise of this court's supervisory authority. Accordingly, we recall our order of December 16, 2016 as improvidently granted, and we deny the writ application.

05/03/2017

SUPREME COURT OF LOUISIANA

NO. 2016-C-1591

FLOYD SAFFORD

VERSUS

**HAMMERMAN & GAINER INTERNATIONAL, INC.
AND NEW ORLEANS FIRE DEPARTMENT**

*ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FOURTH CIRCUIT,
OFFICE OF WORKERS' COMPENSATION, DISTRICT 8*

WEIMER, J., dissenting.

As a matter of prudent court practice, I disagree with the majority's decision to recall the writ. I have previously explained:

In the past, I have voted to recall writs, but I have come to the conclusion this is a poor practice. See State v. Crandell, 05-1060 (La. 3/10/06), 924 So.2d 122 (Weimer, J., dissenting: “[A]fter having granted the writ, the unique facts and circumstances of this case dictate that we should resolve this matter on the merits.”). As a more recent example of my view, see Davis v. Prescott, 13-0669 (La. 11/5/13), 130 So.3d 849, 851 (Weimer, J., dissenting: “I respectfully dissent from the majority’s decision to recall the writ. Having granted the writ, I would resolve this case on the merits based on the issues and the record before this court.”).

George v. Dugas, 16-0710, p. 2 n.1 (La. 11/7/16), 203 So.3d 1043, 1043 n.1 (Weimer, J., dissenting).

After this court granted the writ in this matter, the parties have researched the issues, prepared briefs, and attended oral argument—all no doubt done at considerable expense in time, effort, and financial resources. Considering all this was done at this court’s direction after granting the writ, I believe the parties deserve and are entitled to an answer on the merits from this court. Thus, I respectfully dissent from the decision to recall the writ.

