

SUPREME COURT OF LOUISIANA

*No. 95-C-1863*

*Consolidated with*

*No. 95-C-2675*

FLOYD F. DEGRUISE ET AL

Versus

HOUMA COURIER NEWSPAPER CORPORATION ET AL

LEMMON, J., Concurring

I agree that the lower courts erred in awarding damages based on a normal life expectancy when the unanimous medical evidence established that plaintiff did not have a normal life expectancy.

The effect of a less-than-normal life expectancy on the totality of the evidence of damages normally should be left to the fact finder, who should be free to award an amount of damages that is generally supported by the approximate number of years of life and work life expectancy under the evidence in the particular case and the discounted present value of the future damages provided in the expert testimony.

Attorney's fees under La. Rev. Stat. 23:1103 should be denied because Federated's recovery, as worker's compensation insurer, against itself, as uninsured motorist carrier, was zero. The attorney did not accomplish a benefit either for his client, who had already received the compensation payments, or for Federated, whose subrogated claim against itself was extinguished by confusion.

