

**SUPREME COURT OF LOUISIANA**

**No. 04-C-1459,**

**consolidated with**

**Nos. 04-C-1460 and 04-C-1466**

**DARRELL SUIRE**

**VERSUS**

**LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT, ET AL.**

**ON APPLICATION FOR REHEARING**

**CALOGERO, Chief Justice, concurs and assigns reasons.**

In our opinion on original hearing, we found that the plaintiff did not provide sufficient corroborating evidence of an oral contract with value in excess of \$500. Accordingly, we reversed the court of appeal and reinstated the district court’s pro-Lafayette City grant of partial summary judgment, which dismissed the plaintiff’s breach of contract claim. On application for rehearing, the plaintiff directs our attention to some corroborating deposition testimony, admittedly limited, from a roommate who overheard the representations of the City’s agents that form the basis of plaintiff’s claim.<sup>1</sup> This evidence was not introduced or filed in the district court and thus is not part of the record on which our opinion was based. Therefore, it is not considered on this rehearing application. I thus concur in the denial of the plaintiff’s application for rehearing.

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<sup>1</sup>The roommate testified that “[the plaintiff] asked Mike Moore if they would replace anything that was damaged and he said ‘Yes.’ Asked him who the insurance company was, and Mike Moore didn’t answer.”