

04/17/2015 "See News Release 019 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 2014-C-2613

**MARLA B. WHITTINGTON
VS.
HOSPICE CARE SERVICES OF LOUISIANA, L.L.C.
AND
MARLA B. WHITTINGTON
VS.
HOSPICE CARE SERVICES OF LOUISIANA, L.L.C.
AND LIFE HOSPICE, LLC**

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF EAST BATON ROUGE**

PER CURIAM

Writ granted. The judgment of the Court of Appeal, First Circuit, is reversed and set aside, and the judgment of the trial court, insofar as it granted defendants' motion for summary judgment, is vacated. We find there are material issues of fact that preclude defendants' entitlement to summary judgment. Specifically, and as explained by Judge Welch in his dissent, we find that defendants' motion for summary judgment should have been denied, because there are genuine issues of material fact that exist and that can provide a factual basis to support plaintiff's claims at this stage of the case. *See* La. Code Civ. P. art. 966(C)(1). This case is remanded to the district court for further proceedings.

REVERSED AND REMANDED.