

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**TOMMY ROGERS**

**CIVIL ACTION**

**VERSUS**

**NO. 09-4259**

**COASTAL TOWING, L.L.C.**

**SECTION "K"(4)**

**ORDER AND OPINION**

Before the Court is the unopposed "Motion to Alter or Amend Judgment" filed on behalf of plaintiff Tommy Rogers which seeks to amend the amount awarded to the Louisiana Workers Compensation Corporation ("LWCC") in the judgment to \$ 59,665.58.

Plaintiff and intervenor LWCC agree that LWCC paid workers compensation benefits to plaintiff Tommy Rogers and that the full amount of LWCC's worker's compensation lien is \$148,913.94 representing the total of the following amounts:

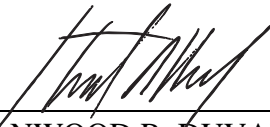
- \$80,280.90. for medical expenses;
- \$66,592.00 for indemnity benefits;
- \$ 949.13 for medical rehabilitation; and
- \$ 1,091.91 for vocational rehabilitation

Pursuant to La. Rev. Stat. 23:1101B, LWCC is entitled to recover from plaintiff "an amount identical in percentage to the recovery of the employee or his dependents against" the third party tortfeasor "and, where the recovery of the employee is decreased as a result of comparative negligence, the recovery of the person who has paid compensation or has become obligated to pay compensation shall be reduced by the same percentage." Because the Court assessed plaintiff with 60% of the comparative fault, LWCC is entitled to recover from plaintiff only \$59,665.58 representing 40% of its \$148,913.94 lien, not the \$97,522.12 originally ordered in the judgment entered June 18, 2010. Accordingly,

**IT IS ORDERED, ADJUDGED, AND DECREED** that the “Motion to Alter or Amend Judgment” (Doc. 88) is GRANTED;

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that an amended judgment shall be entered awarding intervenor Louisiana Workers Compensation Corporation \$59,665.58, plus legal interest.

New Orleans, Louisiana, this 5th day of July, 2010.

  
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STANWOOD R. DUVAL, JR.  
UNITED STATES DISTRICT JUDGE