

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

MICHAEL DAVID LAWRENCE, JR.,
INDIVIDUALLY AND AS
ADMINISTRATOR OF THE ESTATES
OF HIS UNEMANCIPATED MINOR
CHILDREN, MICHAEL D.
LAWRENCE III, ZEKE LAWRENCE,
AND DEGAN LAWRENCE; SUMMER
LAWRENCE, INDIVIDUALLY; AND
MICHAEL DAVID LAWRENCE, JR.
AND SUMMER LAWRENCE AS
PERSONS HAVING PARENTAL
AUTHORITY OVER THEIR
UNEMANCIPATED MINOR
CHILDREN, MICHAEL D.
LAWRENCE III, ZEKE LAWRENCE,
AND DEGAN LAWRENCE

NO. 2018 CW 1398
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VERSUS

KALIN GLEN MCKENZIE, ET AL

CONSOLIDATED WITH

GINA GEROT GROH AND TYRE
WILLIAM GEROT

VERSUS

KALIN MCKENZIE, PROGRESSIVE
INSURANCE, MICHAEL LAWRENCE,
HEAVY MACHINES, INC., AND
TRAVELERS INDEMNITY

NOV 30 2018

In Re: Michael D. Lawrence, Jr. and Summer Lawrence,
individually and as persons having parental authority
over their unemancipated minor children, Zeke Lawrence
and Degan Lawrence; and Michael D. Lawrence, III,
applying for supervisory writs, 21st Judicial District
Court, Parish of Tangipahoa, No. 2013-0002165 c/w
2013-0002590.

BEFORE: McDONALD, CRAIN, AND HOLDRIDGE, JJ.

WRIT DENIED.

WJC
GH

McDonald, J., dissents and would grant the writ. Although the uninsured/underinsured motorist insurer is entitled to a credit for the amount of benefits paid by Michael Lawrence, Jr.'s employer's workers' compensation insurer, the plaintiffs are entitled to seek recovery of the total amount of medical bills incurred without regard to any reduction made pursuant to the Louisiana Workers' Compensation Act. See **Bellard v. American Century Insurance Co.**, 2007-1335 & 2007-1399 (La. 4/18/08), 980 So.2d 654; **Cutsinger v. Redfern**, 2008-2607 (La. 5/22/09),

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12 So.3d 945; and La. R.S. 23:1101(A). Therefore, I find the trial court erred in denying this portion of the plaintiffs' motion for partial summary judgment. Accordingly, I would grant the plaintiffs' motion for partial summary judgment, in part, finding the plaintiffs are entitled to seek recovery of the total amount of medical bills incurred without regard to any reduction made pursuant to the Louisiana Workers' Compensation Act, subject to the credit to be given to the underinsured/uninsured motorist insurer pursuant to **Bellard v. American Century Insurance Co.**, 2007-1335 & 2007-1399 (La. 4/18/08), 980 So.2d 654.

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DEPUTY CLERK OF COURT
FOR THE COURT