

EMMA GIRON

*

NO. 2000-CA-1028

VERSUS

*

COURT OF APPEAL

**SALVADOR PALMISANO, JR.,
MELISSA PALMISANO AND
THE ALLSTATE INSURANCE
COMPANY**

*

FOURTH CIRCUIT

*

STATE OF LOUISIANA

*

*

ARMSTRONG, J., DISSENTS

I respectfully dissent. The plaintiff testified that her car was struck by the defendant's car. The defendant could not say for sure whether or not her car struck the plaintiff's car. Thus, the only positive eyewitness testimony is that the defendant's car did strike the plaintiff's car. In other words, the plaintiff's testimony that there was a collision stands uncontradicted. The police report reflects that the defendant, in effect, admitted that a collision had occurred. Upon this evidentiary record, I believe that the only reasonable conclusion is that the defendant's car did strike the plaintiff's car.