

NOT DESIGNATED FOR PUBLICATION

ROLAND DOUCETTE * **NO. 2000-CA-2371**
VERSUS * **COURT OF APPEAL**
HOUSING AUTHORITY OF * **FOURTH CIRCUIT**
NEW ORLEANS * **STATE OF LOUISIANA**
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APPEAL FROM
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 96-5855, DIVISION "N-8"
Honorable Ethel Simms Julien, Judge
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Chief Judge William H. Byrnes III
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(Court composed of Chief Judge William H. Byrnes III, Judge Joan Bernard Armstrong, Judge Terri F. Love)

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AFFIRMED

The defendant-appellant, the Housing Authority of New Orleans (HANO) appeals a judgment condemning it to pay to the plaintiff-appellee, Roland Doucette, \$30,000.00 for general personal injury damages, \$8,155.38 for medical expenses, and \$1,500.00 for other special damages. We affirm.

HANO does not assign as error the amount of any of these awards.

Plaintiff sued HANO for injuries allegedly sustained on a defective sidewalk for which HANO was responsible when he was attempting to execute a search warrant in the Iberville Housing Development pursuant to his duties as a police officer.

Among the errors assigned by HANO was the failure of the trial court to apply LSA-R.S. 9:2800 relieving HANO of liability because it had no notice of the defect plaintiff alleged existed in the sidewalk causing plaintiff's injury. HANO failed to brief this assignment of error. Therefore, it is considered abandoned. Uniform Rules – Courts of Appeal, Rule 2-12.4.

HANO also assigned as error the substantive failure of the trial court to “[a]pply the Professional Rescuer’s Doctrine to dismiss the plaintiff police officer’s claim for injuries that he sustained in the course and scope of

his employment.” However, HANO failed to assign as error or brief its objections to the procedural decision of the trial court not to allow the assertion of the Professional Rescuer’s Doctrine as an affirmative defense because of the failure to raise it in a timely and proper manner. Therefore, this court will not consider this issue.

The only other error assigned by HANO was the failure of the trial court to “[f]ind that the facts of this case do not fit into any exception of the Professional Rescuer’s Doctrine.” As HANO failed to timely and properly raise the affirmative defense of the Professional Rescuer’s Doctrine in the trial court and it is not properly before this Court on this appeal, the trial court was not required to find that an exception to the doctrine existed in order to find for the plaintiff. Therefore, there is no merit in this assignment of error.

As we either do not consider or find no merit in any of HANO’s assignments of error, we affirm the judgment of the trial court.

AFFIRMED