

**JERRY G. RATHEY,  
HUSBAND OF/AND MABLE  
RATHEY**

**VERSUS**

**PRIORITY EMS, INC.,  
RICHARD SCOTT SAMUEL,  
JOAN SAVOY, ST. BERNARD  
PARISH SHERIFF'S OFFICE,  
THROUGH ITS SHERIFF,  
JACK STEPHENS, DAVID  
PIERCE, C. J. ACOSTA AND  
ABC INSURANCE COMPANY**

\*           **NO. 2004-CA-0199**  
\*           **COURT OF APPEAL**  
\*           **FOURTH CIRCUIT**  
\*           **STATE OF LOUISIANA**  
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**Armstrong, C. J., concurs in part and dissents in part.**

I respectfully concur in the majority opinion with the exception of the question of the reallocation of the 10% fault attributable to the immune Sheriff's Office. As to that issue only, I respectfully dissent for the reasons assigned by Judge Murray.