

**KAREN RAIFORD**

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**NO. 2005-CA-0815**

**VERSUS**

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**COURT OF APPEAL**

**U.S. INDUSTRIES/AMES  
LAWN & GARDEN TOOLS,  
NATIONAL UNION  
INSURANCE COMPANY,  
ROCKERY ACE HARDWARE  
AND ST. PAUL FIRE AND  
MARINE INSURANCE  
COMPANY**

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**FOURTH CIRCUIT**

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**STATE OF LOUISIANA**

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**JONES, J. DISSENTS WITH REASONS**

This case presents a classic example of a plaintiff being denied fundamental

justice, and the majority herein find no error with her plight.

The very tool with which she was injured was surreptitiously withheld from

her until trial had commenced; no expert testing thereof; and yet, the district court

found that plaintiff did not prove her case. And, in fact, the district court chose to

adopt the expert testimony of an expert who also tested the wrong tool. Go figure.

I, therefore, respectfully dissent.