GERALD LAHOSTE * NO. 2016-CA-0472

VERSUS * COURT OF APPEAL

LOUISIANA STATE BOARD * FOURTH CIRCUIT
OF SUPERVISORS
(UNIVERSITY OF NEW * STATE OF LOUISIANA
ORLEANS) *

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LOBRANO, J., CONCURS IN THE RESULT AND ASSIGNS REASONS.

I respectfully concur in the result. I agree with the majority that the district court did not err as a matter of law in granting summary judgment relative to Dr. LaHoste's failure to accommodate and retaliation claims. However, I find that the judgment that is the subject of this appeal is not a final, appealable judgment.

Here, the judgment lacks decretal language dismissing Dr. LaHoste's claims against the Defendant and any language designating the judgment as a final judgment. See, e.g., Bd. of Sup'rs of Louisiana State Univ. & Agric. & Mech. Coll. v. Mid City Holdings, L.L.C., 2014-0506 (La. App. 4 Cir. 10/15/14), 151 So.3d 908; Lalla v. Calamar, N.V., 2008-0952 (La. App. 4 Cir. 2/11/09), 5 So.3d 927; Tomlinson v. Landmark Am. Ins. Co., 2015-0276 (La. App. 4 Cir. 3/23/16), 192 So.3d 153. Additionally, the record is designated by Dr. LaHoste, whose original petition and amended petitions are part of the record only to the extent they are attached as exhibits to the motion for summary judgment filed by the Defendant. The original petition contains allegations of general negligence and intentional infliction of emotional distress, and amended petitions contain allegations of fraud, fraudulent misrepresentation, and fraudulent concealment. As the entire district court record is not before us on appeal, the record lodged here does not inform this Court whether the aforementioned claims have been disposed of by the lower court

or whether they are still pending. The Defendant's motion for summary judgment sought to dispose of Dr. LaHoste's claims of failure to accommodate, harassment/hostile work environment, disparate treatment, and retaliation. Dr. LaHoste raises assignments of error only as to the failure to accommodate and retaliation claims.

For these reasons, I find that we lack appellate jurisdiction over this matter but that we have authority to exercise supervisory jurisdiction. Accordingly, I would convert the appeal to a writ, grant the writ, and affirm the judgment of the district court.