

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**FRED DEFRANCESCH, MD, LLC et al.,
Plaintiffs**

CIVIL ACTION

VERSUS

NO. 13-5583

**REPUBLIC FIRE & CASUALTY
INSURANCE COMPANY,
Defendant**

SECTION "E"

ORDER AND REASONS

Before the Court is defendant Republic Fire and Casualty Insurance Company's ("Republic") Motion in Limine to Preclude Testimony and/or Evidence Regarding Mental Anguish, Emotional Distress, Inconvenience, or Loss of Enjoyment of Life.¹ Plaintiff, Fred DeFrancesch, M.D., LLC ("Plaintiff"), opposes Republic's motion.²

Republic moves to preclude any testimony or evidence at trial regarding mental anguish, emotional distress, inconvenience, or loss of enjoyment of life. Plaintiff, an LLC, has requested that the jury be instructed regarding general damages, "such as loss of enjoyment of life and mental anguish."³ Plaintiff also requests that the jury determine an amount of general damages in its proposed jury verdict form.⁴

Louisiana federal courts have consistently held that a juridical entity such as an LLC or a corporation can suffer only economic damage. *See e.g. Walle Corp v. Rockwell Graphics Systems, Inc.*, 1992 WL 245963, at *5 (E.D. La. Sept. 21, 1992) ("As an entity designed to produce profits, the only type of loss a corporation can suffer is economic").

¹R. Doc. 62.

²R. Doc. 71.

³R. Doc. 58, p. 18.

⁴R. Doc. 52, p. 3.

Thus, an LLC "cannot suffer non-pecuniary damages in the form of, *inter alia*, negligent or intentional infliction of emotional distress, loss of enjoyment, inconvenience and, in general, mental and emotional damages." *Kelly v. Porter, Inc.*, 687 F. Supp. 2d 632, 638 (E.D. La. 2010). Because Plaintiff cannot recover general damages for mental anguish, emotional distress, inconvenience, or loss of enjoyment of life, the Court finds it appropriate to preclude any testimony or evidence related to such damages.

Accordingly, **IT IS ORDERED** that Republic's motion in limine precluding testimony and/or evidence regarding mental anguish, emotional distress, inconvenience, or loss of enjoyment of life be and hereby is **GRANTED**.

New Orleans, Louisiana, this 25th day of July, 2014.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE