

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

BRENT GRANIER, SHELIA  
PERRAULT, TODD GRANIER, AND  
KENNETH GRANIER, ALL  
INDIVIDUALLY AND OBO THE  
DECEASED, SHIRLEY GRANIER

NO. 2014 CW 0645

VERSUS

NEXION HEALTH AT GONZALES,  
INC., D/B/A GONZALES  
HEALTHCARE CENTER AND  
LIBERTY SURPLUS INSURANCE  
CORPORATION

**JUN 30 2014**

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In Re: Nexion Health at Gonzales, Inc., d/b/a Gonzales  
Healthcare Center and Liberty Surplus Insurance  
Corporation, applying for supervisory writs, 19th  
Judicial District Court, Parish of East Baton Rouge,  
No. 610856.

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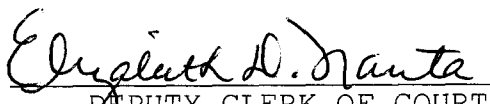
**BEFORE: WHIPPLE, C.J., PARRO AND WELCH, JJ.**

**WRIT DENIED.**

**VGW  
JEW**

**Parro, J.**, dissents and would grant the writ. Gonzales Healthcare Center was not required to present conclusive proof of its compliance with the standard of care on summary judgment; to the contrary, Gonzales Healthcare Center only had to prove that the plaintiffs could not satisfy their evidentiary burden of proof at trial. *Samaha v. Rau*, 2007-1726 (La. 2/26/08), 977 So.2d 880, 889. As plaintiffs have failed to present expert medical testimony sufficient to establish that they would be able to satisfy their evidentiary burden of proof at trial, I would reverse the trial court judgment denying the motion for summary judgment and grant the motion for summary judgment.

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT  
FOR THE COURT