

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA**

**COURT OF APPEAL**

**FIRST CIRCUIT**

**2019 CA 0736**

**2019 CW 0516**

**CAMSOFT DATA SYSTEMS, INC.**

**VERSUS**

**SOUTHERN ELECTRONICS SUPPLY, INC.  
AND ACTIVE SOLUTIONS, LLC**

**Judgment Rendered: JUL 02 2019**

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**Appealed from the Nineteenth Judicial District Court  
Parish of East Baton Rouge  
State of Louisiana**

**Case No. 582,741**

**The Honorable Janice Clark, Judge Presiding**

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**BEFORE: CRAIN, THERIOT, and HOLDRIDGE, JJ.**

**THERIOT, J.**

In this appeal, Dell, Inc. and Dell Marketing, L.P. (sometimes referred to collectively as “Dell”) seek review of the trial court’s judgment granting CamSoft Data Systems, Inc.’s (“CamSoft”) Motion to Limit the Expert Testimony of Dr. William Lehr, Ph.D. For the following reasons, we vacate the trial court’s judgment, remand to the trial court, and deny the companion writ application, as well as CamSoft’s motion to strike, referred to this panel, as moot.

**FACTS AND PROCEDURAL HISTORY**

The facts and procedural history are laid out in more detail in this court’s opinion in **CamSoft Data Systems, Inc. v. Southern Electronics Supply, Inc.**, 2019-0730 (La. App. 1st Cir. 7/2/19) (unpublished), which is also being issued this date.

Relevant hereto, CamSoft filed a motion to limit the expert testimony of Dr. William Lehr, Ph.D., Dell’s expert economist. In response, Dell filed an opposition, and after two hearings – the first on September 13, 2018, and the second on April 2, 2019 - the trial court signed judgment granting the motion on April 3, 2019. From this judgment, Dell appeals pursuant to La. R.S. 51:135.<sup>1</sup>

**DISCUSSION**

**La. Code Civ. P. art. 1425(F) Reasons for Judgment**

Dell has asserted the trial court erred by failing to comply with La. Code Civ. P. art. 1425(F)(4) by failing to provide detailed reasons for limiting the testimony of Dr. William Lehr, Dell’s expert economist, when it granted CamSoft’s motion to limit his testimony.

Louisiana Code of Civil Procedure article 1425(F)(3) and (4) provide the following:

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<sup>1</sup> As set forth in La. R.S. 51:135, all interlocutory judgments in cases involving antitrust claims shall be appealable within five days and shall be heard and determined within twenty days after the appeal is lodged.

(3) If the ruling of the court is made at the conclusion of the hearing, the court shall recite orally its findings of facts, conclusions of law, and reasons for judgment. If the matter is taken under advisement, the court shall render its ruling and provide written findings of facts, conclusions of law, and reasons for judgment not later than five days after the hearing.

(4) The findings of facts, conclusions of law, and reasons for judgment shall be made part of the record of the proceedings. The findings of facts, conclusions of law, and reasons for judgment shall specifically include and address:

(a) The elements required to be satisfied for a person to testify under Articles 702 through 705 of the Louisiana Code of Evidence.

(b) The evidence presented at the hearing to satisfy the requirements of Articles 702 through 705 of the Louisiana Code of Evidence at trial.

(c) A decision by the judge as to whether or not a person shall be allowed to testify under Articles 702 through 705 of the Louisiana Code of Evidence at trial.

(d) The reasons of the judge detailing in law and fact why a person shall be allowed or disallowed to testify under Articles 702 through 705 of the Louisiana Code of Evidence.

At the conclusion of the second hearing, the trial court stated its belief that Dr. Lehr “went outside of his scope,” and that, although his opinion had value, it was only valuable within his area of expertise. The trial court added that it found it troubling that Dr. Lehr would rhetorically suggest that the trial court did not have a reason to question his expertise and methodology, and concluded that for those reasons, along with Dr. Lehr’s failure to render an opinion that could be adequately compared, controverted, explained, or tested, Dr. Lehr’s testimony should be excluded except for the areas within his “specific expertise.”<sup>2</sup> Despite this conclusion, we find that neither the trial court’s reasons for judgment nor the judgment itself conformed to the requirements of La. Code Civ. P. art. 1425. This was legal error. **Robertson v. Doug Ashy Building Materials, Inc.**, 2010-1552, pp. 28-29 (La. App. 1st Cir. 10/4/11), 77 So.3d 339, 358-359, writs denied, 2011-

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<sup>2</sup> The court did not define the “specific expertise” to which it was referring.

2430, 2011-2468 (La. 1/13/12), 77 So.3d 972, 973. We further find that the matter should be remanded to the trial court for compliance with La. Code Civ. P. art. 1425(F).

Finding legal error requiring remand, we pretermitt discussion of the remaining assignments of error.

### **CONCLUSION**

For the foregoing reasons, we vacate the trial court's April 3, 2019 judgment denying Dell, Inc. and Dell Marketing, L.P.'s Motion to Limit the Expert Testimony of Dr. William Lehr, Ph.D., and remand to the trial court for compliance with La. Code Civ. P. art. 1425(F)(3) and (4). We deny the companion writ application, as well as CamSoft's motion to strike, referred to this panel, as moot. Costs of this appeal are to be assessed equally to appellants, Dell, Inc. and Dell Marketing, L.P., and appellee, CamSoft Data Systems, Inc.

**JUDGMENT VACATED; MATTER REMANDED; WRIT AND MOTION TO STRIKE DENIED AS MOOT.**