* **TERRELL PARFAIT** NO. 2004-CA-1271 * VERSUS **COURT OF APPEAL** FOURTH CIRCUIT TRANSOCEAN OFFSHORE, * INC., AND SHELL OIL **PRODUCTS CO.** * **STATE OF LOUISIANA** * * * * * * * * *

GORBATY, J., CONCURS IN PART AND DISSENTS IN PART.

I respectfully concur in part and dissent in part for the same reasons assigned

by Judge Tobias.