

TERRELL PARFAIT

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NO. 2004-CA-1271

VERSUS

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COURT OF APPEAL

**TRANSOCEAN OFFSHORE,
INC., AND SHELL OIL
PRODUCTS CO.**

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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ARMSTRONG, C. J., CONCURS IN PART AND DISSENTS IN PART.

I respectfully concur with the majority that the plaintiff properly was granted a jury trial, that there is no evidence that Shell Oil Products Co. was negligent, and that the trial court's rulings with respect to the expert testimony of David Williams and Robert Borison, the questioning of these experts, and the evidence of other Shell projects were correct.

I agree with Judge Belsome that the trial court acted within its discretion in excluding of evidence of Mr. Parfait's prior injuries, and believe that the probative value of this evidence is exceeded by its likely prejudicial effect.

I find that the record, considered in its entirety, supports the jury's finding of Jones Act negligence on the part of Transocean Offshore, Inc.

I find adequate evidence in the record, considered in its entirety, to affirm the jury's damage award.