

**DAVID C. FLETTRICH, A  
PROFESSIONAL  
ENGINEERING  
CORPORATION**

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**NO. 2007-CA-1621  
COURT OF APPEAL  
FOURTH CIRCUIT**

**VERSUS**

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**STATE OF LOUISIANA**

**TOURO INFIRMARY, AND  
SHER GARNER CAHILL  
RICHTER KLEIN  
MCALISTER & HILBERT,  
LLC**

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**LOMBARD, J., DISSENTS WITH REASONS**

In my view, the trial court properly granted Sher Garner's Motion for Summary Judgment dismissing Mr. Flettrich's claims against it. No genuine issues of material fact exist that would preclude summary judgment in this case. The facts in the record are clear that Sher Garner was acting on Touro's behalf, and as Touro's disclosed agent, in hiring Mr. Flettrich as an expert in the Woldenberg litigation. Moreover, there is no evidence in the record to indicate that Sher Garner exceeded the authority granted by Touro in conveying to Mr. Flettrich the content and scope of the expert services needed from him. Mr. Flettrich has not come forth with any facts to indicate that Sher Garner bound itself personally to compensate him for his expert services in the Woldenberg litigation. Thus, Sher Garner cannot now be held responsible for Touro's alleged failure to pay Mr. Flettrich for the work he performed. Accordingly, Sher Garner is entitled to summary judgment as a matter of law.

For these reasons, I respectfully dissent from the majority's opinion.