

**IN RE: MEDICAL REVIEW  
PANEL REQUEST OF LIONEL  
FAVRET, JR.**

**\* NO. 2017-CA-0464  
\* COURT OF APPEAL  
\* FOURTH CIRCUIT  
\* STATE OF LOUISIANA**

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**CONSOLIDATED WITH:**

**LIONEL FAVRET, JR. AND  
LYNDA HANNIE FAVRET**

**VERSUS**

**TOURO INFIRMARY**

**CONSOLIDATED WITH:**

**NO. 2017-CA-0465**

**LEDET, J., CONCURRING WITH REASONS**

The gravamen of the plaintiffs’ claim against Touro is that Mr. Favret sustained injuries as a result of the method used to evacuate him to Rapides Regional Medical Center (“Rapides General”). The plaintiffs’ claim is premised on the method of evacuation, not the need to do so. The plaintiffs’ claim, albeit couched as a premises liability claim, is a transportation claim. I agree with the majority that the trial court did not err in granting Touro’s second motion for summary judgment, dismissing the plaintiffs’ transportation claims as medical malpractice claims.<sup>1</sup>

To the extent the plaintiffs otherwise seek to establish a premises liability claim, I find no manifest error in the trial court’s ruling rejecting the claim. As the trial court stated in its written reasons for judgment, “plaintiffs have not demonstrated by a preponderance of the evidence that the heat, or any possible

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<sup>1</sup> The trial court also granted Touro’s first summary judgment motion, dismissing the plaintiffs’ medical malpractice claims. The plaintiffs did not seek review of that ruling.

lack of water, food, or medical supplies at Touro caused or aggravated Mr. Favret's medical condition resulting in the need for him to undergo additional treatment and surgery at Rapides General." For these reasons, I concur in the result.