

**MILLING, BENSON,
WOODWARD, LLP**

VERSUS

**OLGA PAVLOVNA BLAKLEY,
M.D.**

* **NO. 2020-CA-0115**
* **COURT OF APPEAL**
* **FOURTH CIRCUIT**
* **STATE OF LOUISIANA**

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LEDET, J., DISSENTING WITH REASONS

RML

The majority finds there is a genuine issue of material fact concerning the amount due Milling, Benson, Woodward, LLP (“Milling”). I disagree.

In support of its finding of a dispute regarding the total amount due, the majority references the fact that in September 2014 Milling informed Dr. Blakley that it would cease representing her, yet Milling billed Dr. Blakley for work performed on her case in October 2014, November 2014, and February 2015. A review of those three bills reflects the following. The October 2014 bill was for legal representation performed in September 2014, the month that Milling withdrew. The November 2014 bill was for services performed to withdraw from representation. The February 2015 bill was for payment of another expert’s fees. The majority’s reliance on those three bills as creating a genuine issue of material fact is thus misplaced.

Regardless, Dr. Blakley does not dispute the accuracy of either the total amount billed or the monthly amounts billed. Rather, Dr. Blakley identifies three other alleged genuine issues of material fact: [i] the primary payor; [ii] the reasonableness of Milling’s bills; and [iii] the existence of a conflict of interest concealed by Milling. Those issues are not material given Milling established a prima facie case of the total amount due. Accordingly, I would affirm the trial court’s judgment. For these reasons, I respectfully dissent.