

**CONNIE COUVILLON AND
JOHN M. COUVILLON**

VERSUS

**UNIVERSITY MEDICAL
CENTER MANAGEMENT
CORPORATION D/B/A
INTERIM LSU PUBLIC
HOSPITAL, INTERIM LSU
PUBLIC HOSPITAL, AND
STATE OF LOUISIANA,
BOARD OF SUPERVISORS OF
LOUISIANA STATE
UNIVERSITY
AGRICULTURAL AND
MECHANICAL COLLEGE ON
BEHALF OF LSU HEALTH
SCIENCE CENTER, ET AL.**

* **NO. 2023-CA-0076**

* **COURT OF APPEAL**

* **FOURTH CIRCUIT**

* **STATE OF LOUISIANA**

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JCL LOBRANO, J., DISSENTS AND ASSIGNS REASONS

I respectfully dissent and would reverse the district court’s grant of summary judgment in favor of Defendant/Appellee TK Elevator Corporation (“TKE”). Plaintiff Connie Couvillon initially filed suit against LSU Medical Center (“UMC”) on June 25, 2019.¹ TKE was added as a named defendant on May 14, 2021, after UMC’s discovery responses revealed that it had a contract for elevator repair with TKE. TKE filed its motion for summary judgment on October 18, 2022. The majority’s review of the question of trial readiness is faulty, especially in its reasoning that “this matter had been pending for over three (3) years at the time the parties agreed to a Trial Order on October 18, 2022, to select a trial date.” This matter involving TKE had been pending only 17 months at the time the parties agreed to the Trial Order on October 18, 2022.

I agree with Appellants’ argument that summary judgment was prematurely granted because they were not given adequate time to complete discovery.

¹ The first of COVID-related activity restrictions occurred within a year of filing the petition.

Appellants' argument hinges primarily on their claims that TKE has not responded to their request to produce documentation generated by its Intelligent Management Software ("IMS") and TechConnect software programs relevant to the elevator's maintenance and the need to take the deposition testimony of UMC employee, Jessica Wright. TKE has not produced records generated by its software programs — IMS and TechConnect. These records arguably could dispute TKE's claim that it lacked notice of leveling defects, especially taking into account the sophisticated nature of the smart elevator systems utilized by TKE, which include comprehensive technical data collection software.