

**STATE OF LOUISIANA  
COURT OF APPEAL, THIRD CIRCUIT**

**CW10-978 consolidated with 11-383**

**PAUL LATIOLAIS**

**VERSUS**

**BELLSOUTH TELECOMMUNICATIONS,  
INC., ET AL.**

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**APPEAL FROM THE  
SIXTEENTH JUDICIAL DISTRICT COURT  
PARISH OF IBERIA, NO. 109345  
HONORABLE PAUL JOSEPH DEMAHY, DISTRICT JUDGE**

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**ELIZABETH A. PICKETT  
JUDGE**

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Court composed of Elizabeth A. Pickett, Billy Howard Ezell, and Shannon J. Gremillion, Judges.

**REVERSED IN PART; AFFIRMED IN PART;  
AMENDED AND AFFIRMED AS AMENDED.**

**Aaron Wayne Guidry  
Porter & Guidry  
P. O. Drawer 53320  
Lafayette, LA 70505  
(337) 289-0626  
Counsel for Plaintiff/Respondent:  
Paul Latiolais**

**Eric J. Waltner  
Lana G. Duhon  
D. Paul Gardner, Jr.  
Allen & Gooch  
P. O. Box 81129  
Lafayette, LA 70598-1129  
(337) 291-1400  
Counsel for Intervenors/Applicants:  
The Gray Insurance Company  
Newpark Drilling Fluids, LLC**

**PICKETT, Judge.**

For the reasons discussed in the companion appeal in this consolidated matter, *Paul Latiolais v. Bellsouth Communications, Inc., et al*, 11-383 (La.App. 3 Cir. 9/\_\_\_\_/11), \_\_\_\_ So.3d. \_\_\_\_, the judgment on Intervenors' Motion for Reconsideration and New Trial and Motion to Fix Recovery and Credit is amended to provide:

Intervenors are awarded the full sum of all amounts they have paid or actually pay to Mr. Latiolais prior to his reimbursement to them. If Mr. Latiolais and Intervenors cannot agree on the amount Mr. Latiolais is to reimburse Intervenors, Intervenors are instructed to file a motion to have the amount determined by the trial court.

Additionally, the judgment is reversed to the extent that it limits Intervenors' recovery for indemnity benefits to \$51,000.00 and denies their request for a dollar for dollar credit for any and all future and post-judgment medical expenses. These credits are limited only by the amount of the recovery and Intervenors' Moody fees as determined by the trial court.

The trial court's denial of interest on Intervenors' recovery from the date Mr. Latiolais filed suit and its calculation of Intervenors' Moody fees is affirmed. The judgment of the trial court is affirmed in all other respects. Mr. Latiolais's request for damages for frivolous appeal is denied. Costs of this appeal are divided equally between the parties.