

GINA WILTZ, WIFE OF, AND TIMOTHY WILTZ, INDIVIDUALLY AND ON BEHALF OF THEIR MINOR SON, R. W.

VERSUS

BROTHERS PETROLEUM, L.L.C., MERAUX FOOD STORE, INC., ALEX CHEVRON, INC., WINN-DIXIE MONTGOMERY, INC., BOGUE CHITTO CANOEING AND TUBING CENTER, INC., AND INFINITY INSURANCE COMPANY

C/W

TINA TOMMASEO

VERSUS

BROTHERS PETROLEUM, L.L.C., MERAUX FOOD STORES, INC., ALEX CHEVRON, INC., WINN-DIXIE MONTGOMERY, INC., BOGUE CHITTO CANOEING AND TUBING CENTER, INC.

C/W

GLEN GABB AND CYNTHIA GABB, INDIVIDUALLY AND ON BEHALF OF THEIR DECEASED DAUGHTER, R. G.

VERSUS

BROTHERS PETROLEUM, L.L.C., MERAUX FOOD STORE, INC., ALEX CHEVRON, INC., WINN-DIXIE MONTGOMERY, INC. AND BOGUE CHITTO CANOEING AND TUBING CENTER, INC., BYRON LAFONTAINE AND TINA TOMASSEO, INDIVIDUALLY AND ON BEHALF OF THEIR DECEASED SON, B. L., REGAL INSURANCE COMPANY

NO. 13-CA-332 C/W
13-CA-333 & 13-CA-334

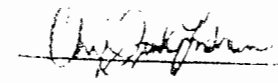
FIFTH CIRCUIT

COURT OF APPEAL

STATE OF LOUISIANA

COURT OF APPEAL
FIFTH CIRCUIT

FILED MAY 21 2014


CLERK
Cheryl Quirk Landon

ON REHEARING

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 630-138 C/W 634-479 C/W 634-752, DIVISION "J"
HONORABLE STEPHEN J. WINDHORST, JUDGE PRESIDING

MAY 21, 2014

HANS J. LILJEBERG
JUDGE

Panel composed of Judges Susan M. Chehardy,
Robert A. Chaisson, and Hans J. Liljeberg

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**REHEARING GRANTED IN
PART FOR CLARIFICATION
AND OTHERWISE DENIED**

JMC
RAC

ON REHEARING

This case is before the Court on application for rehearing filed by plaintiff, Tina Tommaseo. The trial court's judgment in this case awarded Ms. Tommaseo wrongful death damages for her son, Brian Lafontaine, in the amount of \$150,000.00 and for her daughter, Charie Billiot, in the same amount. In our original opinion dated April 23, 2014, we reversed the judgment insofar as Winn-Dixie's liability to Ms. Tommaseo for wrongful death damages for her son, Brian Lafontaine only. In this Court's decree, however, we failed to specify that the trial court's judgment was reversed as to Winn-Dixie's liability to Tina Tommaseo for the wrongful death of Brian Lafontaine only.

Accordingly, we grant rehearing for the limited purpose of amending the decree to reflect that the trial court's judgment is reversed as to Winn-Dixie's liability to Tina Tommaseo for the wrongful death of Brian Lafontaine only.

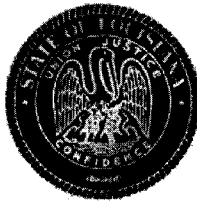
Rehearing is denied in all other respects.

**REHEARING GRANTED IN
PART FOR CLARIFICATION
AND OTHERWISE DENIED**

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
ROBERT A. CHAISSON
ROBERT M. MURPHY
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CHERYL Q. LANDRIEU
CLERK OF COURT

MARY E. LEGNON
CHIEF DEPUTY CLERK

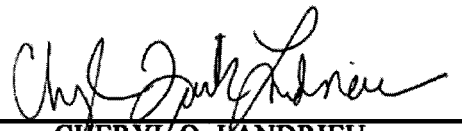
SUSAN BUCHHOLZ
FIRST DEPUTY CLERK

MELISSA C. LEDET
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**NOTICE OF JUDGMENT AND
CERTIFICATE OF DELIVERY**

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **Uniform Rules - Court of Appeal, Rule 2-20** THIS DAY **MAY 21, 2014** TO THE TRIAL JUDGE, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:


CHERYL Q. LANDRIEU
CLERK OF COURT

13-CA-332
C/W 13-CA-333 & 13-CA-334

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