

SUPREME COURT OF LOUISIANA

Albert v. Farm Bureau Insurance Company

940 So. 2d 620 (La. 2006) · No. 2005-C-2496 · Decided October 17, 2006

SUMMARY

The Supreme Court of Louisiana held that Sheriff Michael Neustrom was entitled to a credit for \$48,763.32 in medical expenses previously paid to Charles Albert under the sheriff's self-insurance program. The court concluded that allowing plaintiffs to recover the same medical expenses again would constitute an impermissible double recovery, regardless of the capacity in which the sheriff made the payments. The court amended the court of appeal's judgment to provide the credit and affirmed it in all other respects.

CASE DETAILS

COURT	Supreme Court of Louisiana
JURISDICTION	Louisiana
DECIDED	October 17, 2006
DOCKET	2005-C-2496
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Supreme Court of Louisiana granted the sheriff's application for writs to review whether the court of appeal erred by awarding plaintiffs past medical expenses without crediting the sheriff for medical expenses previously paid.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion
PARTIES	Sheriff Michael W. Neustrom v. Charles Albert, Denise Albert

TOPICS

subrogation damages vicarious liability insurance appellate procedure

PRACTICE AREAS

insurance torts damages appellate procedure

QUESTIONS PRESENTED

1. Whether Sheriff Neustrom was entitled to a credit against the tort award for the \$48,763.32 in medical expenses previously paid through the Sheriff's Department's self-insurance program.

2. Whether the sheriff's potentially distinct capacities as tort defendant and administrator of the self-insurance program prevented application of the prohibition against double recovery.

HOLDINGS

1. A defendant is entitled to a credit against a tort award for medical expenses previously paid to the plaintiff when the credit prevents recovery twice for the same element of damages.
2. A distinction between the capacity in which the sheriff paid medical benefits and the capacity in which he was cast in judgment is irrelevant to the prohibition against double recovery.

KEY QUOTATIONS

"We granted this application to consider whether the court of appeal erred in awarding medical expenses in favor of plaintiffs and against the Sheriff of Lafayette Parish without providing a corresponding credit to the sheriff for medical expenses previously paid to plaintiffs." (622)

"A wrongdoer should not be required to pay twice for the same elements of damages." (622)

"The fact remains that plaintiffs have been compensated for his medical expenses and cannot be compensated twice for the same element of damages." (624)

FACTUAL BACKGROUND

Deputy Charles Albert and Deputy Carl Broussard, both Lafayette Parish sheriff's deputies, practiced a defensive maneuver before a scheduled training course. Albert alleged that he injured his knee during the practice. The Lafayette Parish Sheriff's Department's self-insurance program paid \$48,763.32 in Albert's medical expenses, and the court of appeal later awarded that same amount as past medical expenses in the tort judgment.

PROCEDURAL HISTORY

After a bench trial, the trial court found that Sheriff Michael Neustrom was not vicariously liable for Deputy Carl Broussard's conduct. The court of appeal reversed, found vicarious liability, and awarded plaintiffs \$48,763.32 in past medical expenses, among other damages. The sheriff sought review, and the Supreme Court granted certiorari limited to the medical-expense credit issue.

DISPOSITION

affirmed

CASES CITED

- Albert v. Farm Bureau Ins. Co., 926 So. 2d 528 (La. 2006)
- LeBrane v. Lewis, 292 So. 2d 216 (La. 1974)
- Gagnard v. Baldridge, 612 So. 2d 732, 736 (La. 1993)
- International Harvester Credit v. Seale, 518 So. 2d 1039 (La. 1988)

- Robinson v. North American Salt Co., 865 So. 2d 98, 109 (La. App. 1st Cir. 2003), writ denied, 860 So. 2d 1139 (La. 2003)

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