

10/30/00

SUPREME COURT OF LOUISIANA

No. 00-C-0066

BOBBY DUNCAN, ET AL.

VERSUS

KANSAS CITY SOUTHERN RAILWAY CO., ET AL.

VICTORY, J. (concurring)

Had I been the trier of fact, I probably would not have found liability on the part of defendant, Kansas City Railway Co. However, based on the record in this case, I cannot say that the jury committed manifest error in finding the railroad partially at fault.

Accordingly, I respectfully concur in the result.