

**STATE OF LOUISIANA**  
**COURT OF APPEAL, THIRD CIRCUIT**  
**NO. 05-471**

**JOHN AND KLEA HEBERT**

**VERSUS**

**RAPIDES PARISH POLICE JURY, ET AL.**

**GREMILLION, J., concurs.**

I write to concur with this opinion. I agree with the results in their entirety; however, I do not agree that when there are conflicting opinions between the judge and jury's finding in a bifurcated trial that we should conduct a de novo review because it disregards the great deference an appellate court should give to the trier of fact's finding.

In my opinion, we should use the procedure set forth in *McDaniel v. Carencro Lions Club, et al.*, #05-1013, (La.App. 3 Cir. \_\_/\_\_/\_\_), \_\_So.2d\_\_.