

The Supreme Court of the State of Louisiana

JENNIFER HULIN AND EDWARD
LAMPARSKI, INDIVIDUALLY AND ON
BEHALF OF THEIR MINOR CHILD, NOAH
LAMPARSKI

No. 2023-CC-00530

VS.

KYLE SNOW, PATRICIA SNOW, AND THE
STATE OF LOUISIANA, DEPARTMENT OF
CHILDREN AND FAMILY SERVICES

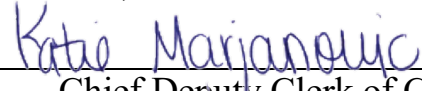
IN RE: Kyle Snow - Applicant Defendant; Patricia Snow - Applicant Defendant;
Applying For Writ Of Certiorari, , 22nd Judicial District Court Number(s) 2019-
12577, Court of Appeal, First Circuit, Number(s) 2022 CW 1292;

June 26, 2023

Writ application granted. See per curiam.

JLW
SJC
JTG
WJC
JBM
PDG

Hughes, J., dissents and would deny.

Supreme Court of Louisiana
June 26, 2023


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

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LAMPARSKI, INDIVIDUALLY AND
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VS.

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AND THE STATE OF LOUISIANA,
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES**

On Supervisory Writ to the 22nd Judicial District Court, Parish of St. Tammany

PER CURIAM

The judgment of the district court precluding plaintiffs’ expert, Dr. Sarah M. Zate, from testifying about her conclusions as to the ultimate questions of whether defendants were negligent or credible is reinstated. *See Naquin v. Hile*, 536 So.2d 676, 679 (La. App. 3rd Cir. 1988) (“[a]lthough experts may aid the trial court in the determination of ultimate facts, the final conclusions drawn from those facts belong exclusively to the trier of fact.”).

However, the portion of the district court’s judgment precluding Dr. Zate from offering an expert opinion testimony regarding the parental care of defendants is vacated. Even though this testimony may embrace some of the ultimate issues to be decided by the trier of fact, it is permissible. *See* La. Code Evid. art. 704; *Louisiana State Bar Assn. v. Carr & Assocs., Inc.*, 2008-2114 (La. App. 1 Cir. 5/8/09), 15 So. 3d 158, 170–72, *writ denied*, 2009-1627 (La. 10/30/09), 21 So.3d 292. The trier of fact may accept or reject, in whole or in part, uncontradicted opinions expressed by an expert as to ultimate facts, based upon the other evidence admitted at trial. *Id.*; *In re Interdiction of DeMarco*, 2009-1791 (La. App. 1 Cir. 4/7/10), 38 So.3d 417, 424.

DECREE

For the reasons assigned, the writ is granted. The judgment of the court of appeal is set aside. The judgment of the district court is reinstated in part and vacated in part. The case is remanded to the district court for further proceedings consistent with this opinion.