

02/14/03 "See News Release 013 for any concurrences and/or dissents."

SUPREME COURT OF LOUISIANA

No. 2002-CC-2906

ETHEL BROWN ON BEHALF OF CRAIG BROWN

VERSUS

**STATE OF LOUISIANA,
DEPARTMENT OF HEALTH AND HOSPITALS**

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL
FOURTH CIRCUIT, PARISH OF PLAQUEMINES**

CALOGERO, Chief Justice, dissents from the denial of the writ and assigns reasons:

I would grant the writ and have the court determine whether this matter is distinguishable from *LeBreton v. Rabito*, 97-2221 (La. 7/8/98), 714 So. 2d 1226, in the respect that here the wrongful death action remained in place and had not been dismissed when the medical review panel was sought just short of two years after the incident. If the majority were to find that such is not a relevant distinction, I would reverse this court's opinion in *LeBreton* for the reasons assigned in my dissent in that case.