

04/24/2015 "See News Release 020 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 2015-C-0362

WILLIS-KNIGHTON HEALTH SYSTEM, INC., ET AL

VERSUS

NORTHWEST LOUISIANA COUNCIL OF GOVERNMENTS, ET AL.

C/W

WILLIS-KNIGHTON MEDICAL CENTER

VERSUS

TIMOTHY A. LARKIN, ET AL.

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
SECOND CIRCUIT, PARISH OF CADDO**

CRICHTON, J., additionally concurs and assigns reasons:

I concur in the denial of this writ application. When considering the concept of ancillary venue in cumulated actions, this Court has held: “[O]therwise properly cumulated actions against two political subdivisions arising out of the same transaction or occurrence may be brought in one of the two specified parishes of proper venue for *either* of the political subdivisions.” *Underwood v. Lane Memorial Hosp.*, 97-1997 (La. 7/8/98), 714 So. 2d 715, 719-20 (emphasis in original). As the court of appeal recognized, this doctrine of ancillary venue is “perfectly applicable” here, where the Caddo Parish defendants have waived their right to mandatory venue in Caddo Parish, as they are entitled to do, effectively conceding that the case against them should proceed in East Baton Rouge Parish. *See Franques v. Evangeline Parish Police Jury*, 625 So. 2d 157 (La. 1993) (mandatory venue provisions are waivable). Moreover, the DOTD – which is an indispensable party here – has not waived its objection to venue, and it is entitled

to have its case heard in East Baton Rouge Parish. *See Impastato v. State, Division of Admin.*, 2010-1998 (La. 11/19/10), 50 So. 3d 1277, 1278 (“[M]any courts ha[ve] held that where a state agency’s ministerial or administrative actions are called into question, East Baton Rouge Parish is the only appropriate forum.”). Under these unique circumstances, it is my view that the risk of piecemeal litigation and inconsistent results requires the transfer in this case.

Without question, I am sympathetic to the plaintiff’s desire to litigate this matter in Caddo Parish; that this litigation will proceed in East Baton Rouge Parish from this point forward is not an ideal resolution for all of the parties. Nonetheless, the law requires this result, and I therefore join in the Court’s denial of this writ application.