

10/15/2018 "See News Release 047 for any Concurrences and/or Dissents."

**SUPREME COURT OF LOUISIANA**

**NO. 2018-CC-1296**

**ASHLEY DOMINIC LAWRENCE**

**VS.**

**PATRICHER SCHEXNAYDER AND  
GOVERNMENT EMPLOYEES INSURANCE  
COMPANY**

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,  
FIRST CIRCUIT, PARISH OF EAST BATON ROUGE**

**JOHNSON, C.J. would grant the writ application and assigns reasons.**

I would grant plaintiff's writ application, finding the court of appeal erred in dismissing Eugenia Chatman's claims as prescribed on the ground the amending petition adding her as a plaintiff did not relate back to plaintiff Ashley Lawrence's original timely-filed petition.

In *Giroir v. S. Louisiana Med. Ctr., Div. of Hosps.*, 475 So. 2d 1040 (La. 1985), this court held:

[A]n amendment adding or substituting a plaintiff should be allowed to relate back if (1) the amended claim arises out of the same conduct, transaction, or occurrence set forth in the original pleading; (2) the defendant either knew or should have known of the existence and involvement of the new plaintiff; (3) the new and the old plaintiffs are sufficiently related so that the added or substituted party is not wholly new or unrelated; (4) the defendant will not be prejudiced in preparing and conducting his defense.

475 So. 2d at 1044. I find Ms. Lawrence's amended petition filed on behalf of her mother, Ms. Chatman, clearly satisfies the four factors set forth in *Giroir*.

First, there is no dispute Ms. Chatman's claims arise out of the same occurrence as the accident described in Ms. Lawrence's original petition. Second, defendants have long been aware of Ms. Chatman's existence and involvement in

the accident as Ms. Chatman's counsel sent a letter of representation to GEICO shortly after the accident, which included a copy of the accident report identifying all plaintiffs as occupants of the vehicle at the time of the accident. Further, according to Ms. Chatman, GEICO acknowledged her claims and requested updates on medical treatment and costs, and engaged in settlement negotiations. Given the defendants' obvious awareness and familiarity with Ms. Chatman's claims, and considering the district court found the addition of Ms. Chatman as a party would not disturb the case management schedule or the trial date, I find defendants would not be prejudiced in defending Ms. Chatman's claims, thus satisfying the fourth factor of *Giroir*. The real dispute in this case centers on whether the third *Giroir* factor is satisfied. In my view, Ms. Chatman, who is Ms. Lawrence's mother, is sufficiently related to Ms. Lawrence such that Ms. Chatman is not a wholly new or unrelated party. For these reasons, I would grant plaintiff's writ application.