

SUPREME COURT OF LOUISIANA

No. 2019-CC-01477

MUHAMMAD HAIDER AND BLUES TAXI SERVICES, LLC

VS.

**LATISHA MORRIS, RASIER, LLC, PROGRESSIVE PALOVERDE
INSURANCE COMPANY, AND JAMES RIVER INSURANCE COMPANY**

On Supervisory Writ to the Civil District Court,
Parish of Orleans Civil

Genovese., J., would grant and assigns the following reasons.

In this taxicab/automobile accident case, plaintiff alleges injury to his lumbar and cervical spine. An orthopedist treated his injuries with epidural steroid injections. Defendant filed a motion to compel plaintiff to submit to an independent medical examination (IME) pursuant to La. Code Civ.P. art. 1464 by a neurosurgeon, who likewise treats spinal injuries and administers said epidural injections. Plaintiff opposed the motion and objected to an examination by a neurosurgeon; however, he stated he would be willing to submit to an additional medical examination by an orthopedist. The trial court denied defendant's motion, and, in a split decision, the court of appeal denied defendant's writ with Judge Dysart dissenting. I find Judge Dysart's dissent persuasive. Additionally, I note that neurosurgeons treat spinal injuries at least as frequently as orthopedists, and thus an independent examination by a neurosurgeon is eminently reasonable in this case.

Because defendant has clearly shown good cause pursuant to La. Code Civ.P. art. 1464 for requiring plaintiff to undergo an IME by its designated neurosurgeon, I find the trial court abused its discretion in denying defendant's motion. I would, therefore, reverse the lower courts and grant defendant's motion to compel plaintiff to undergo an IME by the neurosurgeon.

