

11/12/2019 "See News Release 047 for any Concurrences and/or Dissents."

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**

CRICHTON, J., would grant and assigns reasons:

I would grant and docket this matter to examine the significant and unresolved legal standard for “good cause” sufficient for a court to order an additional medical examination pursuant to La. C.C.P. art. 1464(A). Although the Court addressed this question in *Williams v. Smith*, 576 So. 2d 448 (La. 1991), the legislature subsequently amended La. C.C.P. art. 1464(A) to overrule the primary holding in *Williams*, leaving the precedential value of that decision in doubt. *Cf. Mansion v. Cigna*, 572 So. 2d 47 (La. 1991) (Mem) (“Judgment of the court of appeal is amended to permit defendant to select an orthopedist of its choice other than Dr. James McDaniel.”); *Walls v. Mandeville Mental Health Center*, 97-0496 (La. 4/18/97), 692 So. 2d 429 (Mem) (“The trial judge is ordered to allow defendant’s expert neuropsychologist to examine plaintiff Susanne Walls for the purpose of determining what portion of her child’s injuries may be attributed to injury and what portions may be attributed to environmental or genetic factors.”). I believe that if this Court does not provide appropriate guidelines for the legal analysis of “good cause” under La. C.C.P. art. 1464(A), deference to the district court in determinations thereof is unwarranted. Accordingly, I would grant and docket this

matter to permit a full review of the issue presented.