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SUPREME COURT OF LOUISIANA

NO. 07-CC-2426

IN THE MATTER OF  
THE SUCCESSION OF GEORGE LAMONT BEAN

PER CURIAM

Granted. We find the court of appeal erred insofar as it found relator's October 13, 2006 legal malpractice action was filed outside of the three-year preemptive period. The alleged malpractice occurred on October 17, 2003, and relator's suit was filed within three years of this date. However, we are unable to determine, based on the facts before us, whether the action is preempted because it is unclear whether the October 13, 2006 action was filed within one year of relator's discovery of the alleged malpractice. *See* La. R.S. 9:5605. Accordingly, the judgment of the court of appeal is vacated, and the case is remanded to the trial court, which is instructed to make a determination of when relator discovered the alleged malpractice and to rule on defendants' exceptions of no cause of action and preemption in light of this finding.