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SUPREME COURT OF LOUISIANA

No. 2020-C-00043

DOUGLAS ROBINS AND KATHERINE ROBINS

VS.

MOHAMMAD ZOHAIR PIRZADAH, M.D. AND CHARLES LANE
PEARSON, JR., M.D.

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

CRICHTON, J., would grant and docket and assigns reasons:

I would grant and docket the plaintiffs' application in this matter to consider whether the lower courts erred in dismissing plaintiffs' claims. Specifically, plaintiff Mr. Robins sustained a hypoxic brain injury while being treated at Our Lady of the Lake Hospital in Baton Rouge, leaving him in a vegetative state. Two of the three physicians on the Medical Review Panel reviewing Mr. Robin's care concluded that there was a breach of the standard of care by defendants Dr. Mohammad Pirzadah and Dr. Charles Pearson, yet the district court found otherwise.

"When a medical malpractice action is brought against a physician, the plaintiff must establish the standard of care applicable to the physician, a violation of that standard of care by the physician, and a causal connection between the physician's alleged negligence and the plaintiff's resulting injuries." *Johnson v. Morehouse General Hosp.*, 10-0387, 10-0488, p. 10-11 (La. 5/10/11), 63 So.3d 87, 95-6. Following a bench trial, the district court found that the standard of care owed to Mr. Robins was not breached by defendants, relying expressly on the testimony of MRP-panel member Dr. Michael Walton. However, as the court of appeal recognized, Dr. Walton opined at trial that defendants breached their standard of care. In light of the significantly concerning evidence present in this case, I would

grant and docket the plaintiffs' application to examine whether the district court's contrary conclusion to that of the MRP was manifestly erroneous.

Moreover, Plaintiffs' application presents a valuable opportunity for this Court to expound on the doctrines of judicial confession and adverse presumption. For the foregoing reasons, I would grant and docket this matter to address the multiple issues presented herein.