

The Supreme Court of the State of Louisiana

ASHLEY KELLER WIFE OF/AND
JONAH KELLER

No. 2023-CC-00830

VS.

TOURO INFIRMARY, CRESCENT CITY
PHYSICIANS, INC. AND JENNIFER
LAPEYROLERIE, M.D.

IN RE: Touro Infirmary - Applicant Defendant; Crescent City Physicians, Inc. - Applicant Defendant; Jennifer Lapeyrolerie, M.D. - Applicant Defendant; Applying For Supervisory Writ, Parish of Orleans Civil, Orleans Civil District Court Number(s) 2019-13360 c/w 2020-09735, Court of Appeal, Fourth Circuit, Number(s) 2023-C-0374;

June 17, 2023

Writ application granted in part. See per curiam.

WJC

JLW

SJC

JTG

JBM

PDG

Hughes, J., concurs and assigns reasons.

Supreme Court of Louisiana

June 17, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-CC-00830

ASHLEY KELLER WIFE OF/AND JONAH KELLER

VS.

TOURO INFIRMARY, CRESCENT CITY PHYSICIANS, INC. AND
JENNIFER LAPEYROLERIE, M.D.

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

PER CURIAM

Granted in part. We find the district court erred in excluding the opinion of the medical review panel. A medical review panel's opinion is subject to mandatory admission unless the panel exceeded its statutory authority. La. R.S. 40:1231.8(H); *Valenzuela v. Danj*, 2023-00198 (La. 5/16/23), ___ So. 3d ___. Unlike the situation in *McGlothlin v. Christus St. Patrick Hospital*, 10-2775 (La. 7/1/11), 65 So.3d 1218, there is no indication the medical review panel found any inconsistencies in the evidence or made any credibility determinations. The medical review panel opinion is therefore admissible in its entirety.

We further find the district court erred in allowing defendants to only call one member of the medical review panel as a witness. La. R.S. 40:1231.8(H) is mandatory in nature, providing, “either party **shall** have the right to call, at his cost, **any** member of the medical review panel as a witness.” [emphasis added].

Accordingly, the judgment of the district court is reversed insofar as it excludes the opinion of the medical review panel and limits defendants’ right to call members of the medical review panel as witnesses. In all other respects, the writ is denied. The case is remanded to the district court for further proceedings.