

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

ROBIN CLEVELAND

NO. 2020 CW 0631

VERSUS

OUR LADY OF THE LAKE
HOSPITAL, INC., ET AL

SEPTEMBER 28, 2020

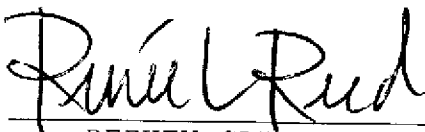
In Re: Our Lady of the Lake Hospital, Inc., applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 677879.

BEFORE: McDONALD, HOLDRIDGE, AND PENZATO, JJ.

WRIT GRANTED WITH ORDER. The trial court's May 11, 2020 judgment denying the exception of prescription filed by Our Lady of the Lake Hospital, Inc. and referring it to the merits was actually a referral of the exception to the merits. The relator filed its exception of prescription pursuant to La. R.S. 40:1231.8(B)(2)(a) which allows a qualified health care provider to raise a peremptory exception of prescription "without the need for completion of the review process by the medical review panel." Thus, in that context, "a ruling on an exception of prescription should occur prior to the completion of the medical review panel since the exception, if meritorious, would dissolve the medical review panel." **In re Med. Review Panel for Claim of Dede**, 98-0830 (La. App. 4th Cir. 5/20/98), 713 So.2d 794, 795-96. Accordingly, the trial court's May 11, 2020 judgment denying the relator's exception of prescription and referring it to the merits is vacated and the matter is remanded to the trial court for determination of the merits of the relator's exception of prescription.

JMM
GH
AHP

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DEPUTY CLERK OF COURT
FOR THE COURT