

NIKKI BROWN

NO. 23-C-283

VERSUS

FIFTH CIRCUIT

AT&T MOBILITY SERVICE, LLC AND
FEIL ORGANIZATION, LLC

COURT OF APPEAL

STATE OF LOUISIANA

FIFTH CIRCUIT COURT OF APPEAL
A TRUE COPY OF DOCUMENTS AS
SAME APPEARS IN OUR RECORDS


Linda Wiseman
First Deputy, Clerk of Court

June 07, 2023

Linda Wiseman
First Deputy Clerk

IN RE NIKKI BROWN

**APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT,
PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE DONALD A.
ROWAN, JR., DIVISION "L", NUMBER 778-500**

Panel composed of Judges Fredericka Homberg Wicker,
Jude G. Gravois, and Robert A. Chaisson

WRIT GRANTED; STAY DENIED

In this case arising from an injury sustained from a collapsing stool at a mall kiosk, Nikki Brown seeks supervisory review of a May 17, 2023 judgment of the trial court granting defendant AT&T Mobility Services, LLC's Motion to Strike or alternatively, Motion in Limine to Exclude her expert witness on economic damages, Kevin C. Willis, CPA. Defendant's motion is based upon its argument that Ms. Brown has no medical evidence that any work restriction has been placed upon Ms. Brown as a result of her injuries, and therefore there is no proper foundation for Mr. Willis' testimony.

Under Louisiana Code of Evidence Article 402, all relevant evidence is admissible, except as otherwise provided by the Constitution of the United States, the Constitution of Louisiana, the Code of Evidence, or other legislation. In support of its motion, defendant introduced an excerpt from Ms. Brown's deposition (which was taken in 2019), an excerpt from her treating physician, Dr. Shamieh's, deposition, and a copy of an additional medical evaluation from defendant's medical expert, Dr. Aiken. Defendant did not introduce a copy of Mr. Willis' expert report, which contains the opinion that defendant seeks to exclude.

On the showing made, we find that the trial court abused its discretion in granting defendant's motion to strike Mr. Willis' testimony at this stage of the proceedings. Accordingly, we reverse the May 17, 2023 judgment of the trial court and overrule defendant's motion to exclude Ms. Brown's expert witness.

Ms. Brown's other requested relief, including the request for a stay of the trial court proceedings, is denied.

Gretna, Louisiana, this 7th day of June, 2023.

RAC
FHW
JGG

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
ROBERT A. CHAISSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
CORNELIUS E. REGAN, PRO TEM

JUDGES



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CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. WISEMAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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CURTIS B. PURSELL
CLERK OF COURT

23-C-283

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24th Judicial District Court (Clerk)
Honorable Donald A. Rowan, Jr. (DISTRICT JUDGE)
Christine L. DeSue (Relator)
Joshua M. Hudson (Respondent)

MAILED

Casie Z. Davidson (Respondent)
David F. Bienvenu (Respondent)
Windsor V. Richmond (Respondent)
Attorneys at Law
1100 Poydras Street
30th Floor
New Orleans, LA 70163

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David F. Bienvenu
Attorney at Law
1100 Poydras Street
30th Floor
New Orleans, LA 70163
23-C-283

06-07-23



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