

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

GINGER JONES

NO. 2013 CW 0370

VERSUS

FRANKLIN M. WOOLF AND THE
TRAVELERS INDEMNITY COMPANY
OF CONNECTICUT

APR 22 2013

In Re: Ginger Jones, applying for supervisory writs,
19th Judicial District Court, Parish of East
Baton Rouge, No. 582,743.

BEFORE: WHIPPLE, C.J., McCLENDON, AND HIGGINBOTHAM, JJ.

WRIT GRANTED WITH ORDER. Pleadings are treated by substance rather than caption. We note the matter was also heard as a Motion in Limine. The trial court's ruling of February 8, 2013, denying the Motion for Reconsideration of the Motion for Partial Summary Judgment/Motion in Limine excluding the testimony of Dr. David Wyatt is hereby reversed. Due to the outstanding issues of material fact regarding whether there was one accident or two accidents on the date in question, it is inappropriate for the trial court to exclude Dr. Wyatt's testimony relating to his treatment of Ginger James. The outstanding issues of material fact affect the weight of the testimony not its admissibility. The Motion to Reconsider is hereby **GRANTED**.

TMH
VGW
PMc

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DEPUTY CLERK OF COURT
FOR THE COURT