

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

ANTHONY J. GOBERT

NO. 2013 CW 1605

VERSUS

LOUISIANA DEPARTMENT OF
PUBLIC SAFETY AND
CORRECTIONS, LAWRENCE
CALDWELL, AND MICHAEL
HEGMANN

OCTOBER 8, 2013

In Re: Louisiana Department of Public Safety and Corrections,
Lawrence Caldwell, and Michael Hegmann, applying for
supervisory writs and a stay of proceedings, 18th
Judicial District Court, Parish of Iberville, No.
17721.

BEFORE: PETTIGREW, WELCH AND CRAIN, JJ.

WRIT GRANTED IN PART, WRIT DENIED IN PART. REQUEST FOR STAY DENIED. The district court did not rule upon that part of the motion in limine seeking to exclude the testimony of Dr. King as to Dr. Caldwell as required by La. C.C.P. art. 1425(F)(2). The failure to comply with La. C.C.P. art. 1425(F) constitutes legal error. See Robertson v. Doug Ashy Building Materials, Inc., 2010-1552 (La. App. 1 Cir. 10/4/11), 77 So.3d 339, writ denied, 2011-2468 (La. 1/13/12), 77 So.3d 972. Accordingly, the writ is granted, in part, and that part of the September 19, 2013 judgment concerning Dr. King's testimony as to Dr. Caldwell is vacated and the matter is remanded for further proceedings.

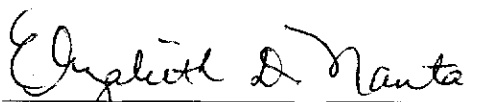
As to the remainder of the September 19, 2013 judgment concerning the testimony of Drs. LaRocco, Wilson and Robertson, and of Dr. King as to Dr. Hegmann, the writ is denied.

Relators' request for a stay is denied.

WJC
JTP

WELCH, J., concurs in that part of the action denying the writ and would decline to exercise this Court's supervisory jurisdiction as to that part of the judgment concerning the testimony of Drs. LaRocco, Wilson and Robertson, and of Dr. King as to Dr. Hegmann because the criteria of **Herlitz Constr. Co., Inc. v. Hotel Investors of New Iberia, Inc.**, 396 So.2d 878 (La. 1981), are not met.

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