

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STEVE SEGURA, JASON SEGURA, AND JACOB
SEGURA, INDIVIDUALLY AND ON BEHALF OF
THEIR DECEASED SPOUSE AND MOTHER, BRENDA
BABIN SEGURA

NO. 2018 CW 0828

VERSUS

ANUPAMA TAMMAREDDI, M.D., MAHESH
BAVINENI, M.D., SEYED SADEGHI, M.D.,
KAREN CURRY, M.D. AND LAFAYETTE GENERAL
HEALTH SYSTEM, INC. D/B/A UNIVERSITY
HOSPITAL AND CLINICS OF LAFAYETTE

OCT 30 2018

In Re: State of Louisiana through the LSU Board of Supervisors,
applying for supervisory writs, 16th Judicial District
Court, Parish of St. Mary, No. 132018.

BEFORE: McDONALD, CRAIN, AND HOLDRIDGE, JJ.

WRIT NOT CONSIDERED. This writ application fails to comply with the Uniform Rules of Louisiana Courts of Appeal, Rules 4-5(C)(8) and 4-5(C)(10). Relator failed to include a copy of the amended petitions and the pertinent court minutes.

Supplementation of this writ application and/or an application for rehearing will not be considered. Uniform Rules of Louisiana Courts of Appeal, Rules 4-9 & 2-18.7.

If relator seeks to file a new application with this court, it must contain all pertinent documentation, the missing items noted above, and must comply with Uniform Rules of Louisiana Courts of Appeal, Rule 2-12.2. Any new application must be filed on or before November 14, 2018, and must contain a copy of this ruling.

GH
WJC

McDonald, J., dissents. The Louisiana Medical Malpractice Act's definition of "medical malpractice" specifically includes claims related to "the training or supervision of health care providers." La. R.S. 40:1231.1A(13). The plaintiffs' claims of "administrative fault" against the state for allowing a medical resident to treat the deceased and supervise other residents therefore sound in medical malpractice and must be presented to a medical review panel before suit is filed. See La. R.S. 40:1231.8A(1)(a). The trial court erred in denying the exception of prematurity filed by the defendants. I would reverse the ruling of the trial court and grant the exception. I find the claims against the State of Louisiana through the LSU Board of Supervisors (originally identified as Lafayette General Health System, Inc., d/b/a University Hospital and Clinics of Lafayette) for alleged negligence in its administrative capacity in allowing Dr. Anupama Tammareddi to treat the patient and supervise other residents should be dismissed without prejudice.

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DEPUTY CLERK OF COURT
FOR THE COURT