

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

CATHY JOHNSON

NO. 2018 CW 1226

VERSUS

NATIONAL UNION FIRE
INSURANCE COMPANY, FIRST
STUDENT, INC. AND CHARLENE
MCCASTLE

NOV 13 2018

In Re: Strategic Medical Alliance, II, LLC, applying for
supervisory writs, 19th Judicial District Court,
Parish of East Baton Rouge, No. 623552.

BEFORE: PETTIGREW, WELCH, AND CHUTZ, JJ.

WRIT GRANTED. The trial court's August 27, 2018 judgment granting the motion to compel filed by defendants, National Union Fire Insurance Company, First Student, Inc., and Charlene McCastle, is reversed. Defendants failed to make the required showing of relevancy and good cause to compel production of the requested documents from Strategic Medical Alliance II, LLC, a non-party. See **Stolzle v. Safety and Systems Assurance Consultants, Inc.**, 2002-1197 (La. 5/24/02), 819 So.2d 287, 289 (per curiam). Although the defendants may pursue alleged improper billing practices through other legal avenues, their suspicions concerning Strategic Medical Alliance II, LLC have no bearing on the amount of medical expenses the plaintiff may recover. "Even if a tort victim has been overcharged for medical treatment, the tortfeasor is liable for the expenses unless they were incurred by the victim in bad faith." See **Lair v. Carriker**, 574 So.2d 551, 553 (La. App. 3d Cir. 1991) (emphasis added). See also **Beasley v. Yokem Toytoa**, 33,805 (La. App. 2d Cir. 8/23/00), 767 So.2d 149. Therefore, we find the trial court abused its discretion in granting the motion to compel. Defendants' motion to compel Strategic Medical Alliance II, LLC is denied.

JTP
JEW
WRC

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FOR THE COURT