

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

KEVIN DUKES

NO. 2021 CW 0971

VERSUS

CAPITAL TRUCK SERVICE, LLC,
STATE NATIONAL INSURANCE
COMPANY, INC., AND MARCUS D.
HENDERSON

NOVEMBER 1, 2021

In Re: Kevin Dukes, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 682959.


BEFORE: GUIDRY, HOLDRIDGE, AND CHUTZ, JJ.

WRIT DENIED IN PART, GRANTED IN PART WITH ORDER. The district court's July 8, 2021 judgment which granted defendants, Capitol Trucking Company, LLC and Clear Blue Insurance Company's, Motion to Compel the Additional Medical Examination of Plaintiff by a Psychiatrist or Psychologist of Defendants' Choice was within its wide discretion to decide pre-trial and discovery matters, and the writ is denied as to that ruling. However, the district court's judgment failed to comply with La. Code Civ. P. art. 1464 as the judgment does not specify the time, place, manner, conditions, and scope of the examination and the person(s) by whom it is to be made. This matter is remanded to the district court with an order to comply with La. Code Civ. P. art. 1464.

JMG
GH

Chutz, J., dissents. Defendants have failed to establish good cause to require plaintiff, Kevin Dukes, to submit to an additional medical opinion. Accordingly, I would reverse the district court's July 8, 2021 judgment and deny defendants' Motion to Compel the Additional Medical Examination of Plaintiff by a Psychiatrist or Psychologist of Defendants' Choice.

COURT OF APPEAL, FIRST CIRCUIT


DEPUTY CLERK OF COURT
FOR THE COURT