

NOT DESIGNATED FOR PUBLICATION

ANTHONY O. IKE-PETERS * **NO. 2001-CA-0841**
VERSUS * **COURT OF APPEAL**
DR. DAVID S. REISS AND DR. * **FOURTH CIRCUIT**
ROBERT A. STEINER * **STATE OF LOUISIANA**
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APPEAL FROM
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 2000-10999, DIVISION "H-12"
Honorable Michael G. Bagneris, Judge

* * * * *
Judge Steven R. Plotkin
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(Court composed of Judge Steven R. Plotkin, Judge James F. McKay III,
Judge Michael E. Kirby)

Anthony O. Ike-Peters
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IN PROPER PERSON, PLAINTIFF/APPELLANT

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AFFIRMED.

Plaintiff Anthony O. Ike-Peters appeals a trial court judgment granting an exception of venue filed by defendants, David S. Reiss and Dr. Robert A Steiner. We affirm.

Facts

Mr. Ike-Peters was originally treated by Dr. Reiss at the Elmwood Industrial Medical Center in Jefferson Parish, for a work-related injury to his elbow. Dr. Reiss saw Mr. Ike-Peters two times, and eventually referred him to Dr. Steiner, an orthopedist, who saw him once at his office in Jefferson Parish. All treatment by Drs. Reiss and Steiner occurred in October of 1997. On February 11, 1999, Mr. Ike-Peters filed a request for medical review with the Louisiana Patients' Compensation Fund, alleging that Drs. Reiss and Steiner failed to conduct the necessary exams and therefore misdiagnosed Mr. Ike-Peters, resulting in the partial paralysis of his hand. After the Medical Review Panel rendered its decision that Drs. Reiss and Steiner did

not breach the standard of care in their treatment of Mr. Ike-Peters, Mr. Ike Peters filed identical Petitions for Damages in Civil District Court in Orleans Parish and in 24th Judicial District Court in Jefferson Parish. Drs. Reiss and Steiner filed a declinatory exception of improper venue, which was granted by the trial court. Mr. Ike-Peters filed the instant appeal in forma pauperis.

Proper Venue

Under the general rules of venue, venue is proper against an individual domiciled in the State of Louisiana “in the parish of his domicile; or if he resides but is not domiciled in the state, in the parish of his residence.” La. C.C.P. art. 42(A). The record evidence in this case indicates that both Drs. Reiss and Steiner are domiciled in Jefferson Parish.

Moreover, under one of the exceptions to the general venue rules, an action on an offense or quasi offense “may be brought in the parish where the wrongful conduct occurred, or in the parish where the damages were sustained.” La. C.C.P. art. 74. In the instant case, all of the medical treatment Mr. Ike-Peters received from Drs. Reiss and Steiner was performed in Jefferson Parish.

However, Mr. Ike-Peters argues that venue is appropriate in Orleans

Parish under the provisions of La. C.C.P. art. 77, which provides as follows:

An action against a person having a business office or establishment in a parish other than that where he may be sued under Article 42 only, on a matter over which this office or establishment had supervision, may be brought in the parish where this office or establishment is located.

Mr. Ike-Peters claims that venue is proper against Dr. Steiner in Orleans Parish because he has an office in Orleans Parish, in addition to his office in Jefferson Parish. However, the record evidence indicates that it was the Jefferson Parish office that “had supervision” over the events leading up to Mr. Ike-Peter’s claim—i.e., Mr. Ike-Peter’s treatment by Dr. Steiner. Accordingly, we find no merit in Mr. Ike-Peter’s arguments on appeal.

Conclusion

For the above and foregoing reasons, the trial court judgment is affirmed.

AFFIRMED.