

**SONYA CARTER,
INDIVIDUALLY AND ON
BEHALF OF HER MINOR
CHILD, TERRANCE CARTER**

VERSUS

**ORLEANS PARISH SCHOOL
BOARD, TYRONE CASBY AND
ABC INSURANCE COMPANY**

*** NO. 2001-CA-0718
* COURT OF APPEAL
* FOURTH CIRCUIT
* STATE OF LOUISIANA**

**APPEAL FROM
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 97-9361, DIVISION "F-10"
HONORABLE YADA MAGEE, JUDGE**

**JAMES F. MCKAY, III
JUDGE**

(Court composed of Judge James F. McKay, III, Judge Michael E. Kirby,
Judge David S. Gorbaty)

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-and-

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Baton Rouge, Louisiana

Attorneys for Defendant/Appellant, Acadian Ambulance Service, Inc.

AFFIRMED

The plaintiffs, Sonya Carter and Terrance Carter, mother and son, filed suit in Orleans Parish May 28, 1997 asserting that on October 4, 1996, Terrance was injured while playing for his high school football team, L.B. Landry High School, in Reserve, Louisiana, which is in St. John the Baptist Parish. L.B. Landry High School is an Orleans Parish public school. The petition alleged that while on the field, Terrance Carter was kicked in the leg and immediately experienced pain and swelling. It further alleged that his coach and trainer, Tyrone Casby, attended him but did not seek medical treatment for Terrance Landry until they returned to New Orleans. When his mother, Sonya, was called at 1:10 in the morning she immediately took Terrance to Jo Ellen Smith Hospital, which is in Orleans Parish. There, officials diagnosed a compartmental type injury and transferred Terrance to Medical Center of Louisiana in Orleans Parish because his mother was not aware Terrance had full medical coverage. He ultimately underwent surgery there, which was untimely, and he lost part of his right leg.

The original petition named the Orleans Parish School Board (OPSB) through its agent Tyrone Casby. The first and supplemental petition named Jo Ellen Smith Hospital and the doctor that treated him there, John Simononak. The second supplemental and amending petition named Medical Center of Louisiana, Louisiana State University School of Medicine and the doctors who treated Terrance at Medical Center of Louisiana: Kit K. Outlaw, Glen Steeb, Keith van Meter and Jorge Martinez. The third supplemental and amending petition named Acadian Ambulance Service, Inc., (Acadian), who had treated Terrance at the site of the football game. Acadian had already been third partyed by the OPSB. All petitions alleged that all defendants are jointly and severally liable.

Acadian then filed an exception of improper venue alleging it is a Louisiana corporation domiciled in the Parish of Lafayette. The exception was overruled, and it appealed.

The plaintiffs' theory of the case is that Terrance was misdiagnosed by Acadian, who supplied emergency care services for the football game and to whom Casby first turned for help, as having a leg cramp when in fact he had an arterial tear. They allege all of the defendants failed to adequately diagnose and care for the boy's leg, ending in its loss.

Article 73 of the Louisiana Code of Civil Procedure allows the

plaintiffs to bring their action in any parish of proper venue under article 42 as to any joint or solidary obligor who is made a defendant. Orleans parish is clearly a proper venue. This is a classic case of joint and solidary obligation. Accordingly, we affirm the trial court's judgment denying Acadian's exception of improper venue.

AFFIRMED