

JOHN DOE

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NO. 2001-CA-0739

VERSUS

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COURT OF APPEAL

**THE ARCHDIOCESE OF NEW
ORLEANS, THE DIOCESE OF
HOUMA/THIBODAU, SAINT
GREGORY BARBARIGO
CHURCH, SAINT LOUIS
CHURCH AND GERALD A.
PRINZ**

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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BYRNES, C.J., DISSENTS WITH REASONS

I respectfully dissent.

To allow the plaintiff to use the theory of recovered memory to invoke the doctrine of contra non valentem would expand that concept far beyond what it was ever intended to encompass. See Cartwright v. Chrysler Corporation, 255 La. 598, 232 So.2d 285 (1970). Plaintiff cites no Louisiana case invoking contra non valentem in connection with recovered memory. The majority opinion cites none and I am aware of none. I do not believe that it is good public policy. Accordingly I would grant the defendant's exception of prescription.