

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2008 CA 2593

MAXIMILLIAN HOLLINS

VERSUS

**GLENWOOD REGIONAL MEDICAL CENTER,
DR. C. RUSSELL GREER, AND DR. STEVEN R. CRIDER**

Judgment Rendered: June 12, 2009

**Appealed from the
19th Judicial District Court
In and for the Parish of East Baton Rouge, Louisiana
Case No. 555,224**

The Honorable Kay Bates, Judge Presiding

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Louisiana Patient's Compensation
Fund Oversight Board and Cheryl
Jackson, Malpractice Compliance
Director**

BEFORE: KUHN, GUIDRY, AND GAIDRY, JJ.

Handwritten signatures and initials in the left margin, including what appears to be 'SDB', 'HMC', and 'JL'.

GAIDRY, J.

SUMMARY DISPOSITION

This is an appeal of a judgment in a mandamus action that denied a writ of mandamus directing the Louisiana Patient's Compensation Fund Oversight Board (PCF Board) and its malpractice compliance director to process plaintiff's request for review of a medical malpractice claim. The judgment further sustained the peremptory exceptions of prescription filed by the defendant health care providers. The determinative issue is whether plaintiff timely paid to the PCF Board the filing fee required by La. R.S. 40:1299.47(A)(1)(c). Giving plaintiff every benefit of the doubt, the filing fee was due at the latest by January 4, 2006. *See* La. R.S. 9:5822 and 9:5823. Plaintiff not having paid the fee by that date, his request for review of his medical malpractice claim was invalid and without effect, and plaintiff was not entitled to a writ of mandamus compelling the PCF Board to accept his untimely fee and to proceed with the review process. *See* La. R.S. 40:1299.47(A)(1)(e); *Morris v. Patient's Comp. Fund Oversight Bd.*, 07-2468 (La. App. 1st Cir. 5/28/08), 991 So.2d 551; and *Latiolais v. Jackson*, 06-2403 (La. App. 1st Cir. 11/2/07), 979 So.2d 489. Plaintiff's medical malpractice claim is prescribed. *See* La. R.S. 9:5628; *In re Med. Review Panel Proceedings of Ouder*, 07-1266 (La. App. 1st Cir. 5/2/08), 991 So.2d 58; and *Baldini v. E. Jefferson Hosp.*, 07-489 (La. App. 5th Cir. 1/22/08), 976 So.2d 746, *writ denied*, 08-0393 (La. 6/27/08), 983 So.2d 1288.

We accordingly affirm the judgment of the trial court through this summary opinion, in accordance with Rules 2-16.2(A)(2), (4), (5), (6), and (8) of the Uniform Rules of the Louisiana Courts of Appeal. All costs of this appeal are assessed to the plaintiff, Maximillian Hollins.

AFFIRMED.