

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2009 CA 1915

BETTY CASBORN, wife of/and ADAM CASBORN

VERSUS

WILLIAM CURRAN, M.D.

Judgment rendered: OCT 14 2010

On Appeal from the 22nd Judicial District Court
Parish of St. Tammany, State of Louisiana
Number: 2008-13138; Division: E
The Honorable William J. Burris, Judge Presiding

Sharry I. Sandler
New Orleans, Louisiana

Counsel for Plaintiff/Appellant
Betty Casborn, wife of/and Adam
Casborn

Nicholas Gachassin, Jr.
Brandon K. Stelly
Lafayette, Louisiana

Counsel for Defendant/Appellee
William J. Curran M.D.

BEFORE: GAIDRY, McCLENDON, KLINE¹ JJ.

¹ Judge William F. Kline, Jr., retired, is serving as judge *pro tempore* by special appointment of the Louisiana Supreme Court.

KLINE, J.

Plaintiffs Betty and Adam Casborn (hereinafter, Casborn) appeal a judgment rendered in the trial court sustaining an exception of prescription filed by defendant, William Curran, M.D., a physician at NorthShore Regional Medical Center. The issue in this medical malpractice case is whether plaintiffs' petition was prescribed on its face when it claimed that suit was filed within one year from plaintiffs' date of discovery, but more than one year after the alleged negligent act. The issues raised in this appeal arise from the same facts and are identical to those raised in the companion appeal, **Casborn v. NorthShore Regional Medical Center**, docket number 2009 CA 1914, also decided this day.

DECREE

For the reasons set forth in **Casborn v. NorthShore Regional Medical Center**, docket number 2009 CA 1914, also decided this day, we affirm the judgment of the trial court rendered in favor of Dr. William Curran. The costs of this appeal are assessed to plaintiffs/appellants Betty and Adam Casborn.

AFFIRMED