

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

SANDRA LEA GREEN,
INDIVIDUALLY AND ON BEHALF
OF HER MINOR SON, DILLON
STELLY

NO. 2013 CW 0048

VERSUS

JANUARY 11, 2013

DR. PAUL J. HUBBELL, III,
MD, AND SOUTHERN PAIN AND
ANESTHESIA CONSULTANTS, LLC

In Re: Dr. Paul J. Hubbell, III and Southern Pain and
Anesthesia, LLC, applying for emergency
supervisory writs, 19th Judicial District Court,
Parish of East Baton Rouge, No. 561466.

BEFORE: PARRO, HUGHES AND WELCH, JJ.

WRIT GRANTED. We observe that the district court failed to provide for the record its findings of fact, conclusions of law, and reasons for judgment as required by La. C.C.P. art. 1425(F), in connection with its ruling granting plaintiffs' "Motion in Limine to Exclude the Expert Testimony of Dr. Ioppolo, Dr. Witcher and Dr. Forte, and to Prohibit Dr. Anderson from Testifying on the Standard of Care" with respect to the testimony of Dr. Ioppolo. Additionally, the motion was filed less than sixty days prior to trial and the district court ruled on the motion less than thirty days prior to the trial, in contravention of La. C.C.P. art. 1425(F). Therefore, the court's January 9, 2013 ruling granting the "Motion in Limine to Exclude the Expert Testimony of Dr. Ioppolo, Dr. Witcher and Dr. Forte, and to Prohibit Dr. Anderson from Testifying on the Standard of Care" is reversed and the "Motion in Limine to Exclude the Expert Testimony of Dr. Ioppolo, Dr. Witcher and Dr. Forte, and to Prohibit Dr. Anderson from Testifying on the Standard of Care" is denied. The district court's January 9, 2013 ruling granting in part the "Motion in Limine to Exclude the Medical Review Panel Opinion" is also reversed on grounds that it violates La. R.S. 40:1299.47. The "Motion in Limine to Exclude the Medical Review Panel Opinion" is hereby denied.

JDH
JEW
RHP

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