

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

ROSIE ROUZAN JONES

NO. 2013 CW 1403

VERSUS

JAMES DAVID HAMMOND, M.D.
AND ABC INSURANCE COMPANY

NOV 25 2013


In Re: James David Hammond, M.D., applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 607,804.

BEFORE: PETTIGREW, McDONALD AND McCLENDON, JJ.

WRIT GRANTED. Claims for malpractice must be brought within one year from the date the patient has knowledge of the alleged malpractice. In this case, plaintiff was aware of the alleged medical malpractice no later than June 8, 2010. However, plaintiff did not file a claim with the Division of Administration until November 22, 2011, and she did not file suit against Dr. Hammond until December 20, 2011, greater than one year from the latest date she had knowledge of the alleged malpractice. Filing a claim with any agency other than the State of Louisiana, Division of Administration, does not serve to interrupt or suspend prescription. Consequently, any claims against Dr. Hammond are prescribed. **Lugenbuhl v. Dowling**, 96-1575 (La. 10/10/97), 701 So.2d 447; **In re Debram**, 2011-0280 (La. App. 1 Cir. 8/27/12), 102 So.3d 830. Accordingly, we reverse the judgment of the trial court denying Dr. James David Hammond, Jr.'s Motion for Summary Judgment, render judgment granting his Motion for Summary Judgment and dismiss plaintiff's claims against Dr. Hammond with prejudice.

PMc
JTP
JMM

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DEPUTY CLERK OF COURT
FOR THE COURT