

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

DR. EDWARD FACUNDUS

NO. 2014 CW 1099

VERSUS

BATON ROUGE GENERAL MEDICAL
CENTER

OCT 23 2014

In Re: Baton Rouge General Medical Center, applying for
 supervisory writs, 19th Judicial District Court,
 Parish of East Baton Rouge, No. 629768.

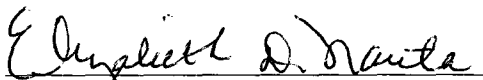
BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, JJ.

WRIT DENIED. This court declines to exercise its
supervisory jurisdiction. The criteria set forth in **Herlitz
Construction Co. Inc. v. Hotel Investors of New Iberia, Inc.**,
396 So.2d 878 (La. 1981) (per curiam) are not met and the
relator has an adequate remedy by review on appeal.

VGW
TMH

McClendon, J., dissents, would grant the writ and would
reverse and vacate the district court's July 21, 2014 ruling
finding the arbitration clause was adhesiory and denying the
defendant's motion to stay proceedings and compel arbitration.
See **Aguillard v. Auction Management Corp.**, 2004-2804 (La.
6/29/05), 908 So.2d 1.

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DEPUTY CLERK OF COURT
FOR THE COURT