

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2014 CA 0209

CARLA LOUISE PARKER

VERSUS

STATE OF LOUISIANA, LOUISIANA STATE UNIVERSITY  
HEALTH SCIENCES CENTER – NEW ORLEANS, MEDICAL CENTER OF LOUISIANA AT  
NEW ORLEANS A/K/A MCLNO AND BOARD OF SUPERVISORS OF LOUISIANA STATE  
UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE D/B/A LEONARD J.  
CHABERT MEDICAL CENTER AND JOHN LUKE, III, M.D.

Judgment Rendered: JAN 15 2015

\* \* \* \* \*

APPEALED FROM THE THIRTY-SECOND JUDICIAL DISTRICT COURT  
IN AND FOR THE PARISH OF TERREBONNE  
STATE OF LOUISIANA  
DOCKET NUMBER 166,408

HONORABLE GEORGE J. LARKE, JR., JUDGE

\* \* \* \* \*

Pierre F. Gremillion  
Metairie, Louisiana  
and  
Frank D. Ippolito  
Chalmette, Louisiana

Attorneys for Plaintiff/Appellant  
Carla Louise Parker

James D. "Buddy" Caldwell  
Attorney General  
and  
Kathi V. Logan  
Darius Q. Henderson  
Assistant Attorneys General  
Baton Rouge, Louisiana

Attorneys for Defendants/Appellees  
State of Louisiana, LSU Health Sciences Center  
Center-New Orleans and Board of Supervisors  
of LSU d/b/a Leonard J. Chabert Medical  
Center and John Luke, III, M.D.

**BEFORE: McDONALD, CRAIN, AND HOLDRIDGE<sup>1</sup>, JJ.**

<sup>1</sup> Holdridge, J., serving as Supernumerary Judge *pro tempore* of the Court of Appeal, First Circuit, by special appointment of the Louisiana Supreme Court.

Crain, J. concurs

**McDONALD, J.**

Plaintiff, Carla Louise Parker, appeals the trial court's judgment: (1) excluding an expert witness's affidavit; (2) granting summary judgment in favor of the defendants, State of Louisiana through the Board of Supervisors of LSU d/b/a Leonard J. Chabert Medical Center and John Luke, III, M.D; and, (3) dismissing Ms. Parker's claims with prejudice.<sup>2</sup> The trial court determined Ms. Parker had untimely filed the affidavit, and the defendants were entitled to summary judgment and dismissal of Ms. Parker's medical malpractice suit.

After a thorough review of the record, and of applicable statutes and jurisprudence, we find the trial court did not abuse its discretion in excluding the affidavit, nor in granting summary judgment in favor of the defendants. See Buggage v. Volks Constructors, 06-0175 (La. 5/5/06), 928 So.2d 536 (per curiam) and **Henry v. NOHSC Houma #1, L.L.C.**, 11-0738 (La. App. 1 Cir. 6/28/12), 97 So.3d 470, 472 n.3, writ denied, 12-1761 (La. 11/2/12), 99 So.3d 677. Because the trial court did not abuse its discretion, and because the issues involve no more than the application of well-settled rules to a recurring fact situation, we affirm the trial court's judgment in accordance with URCA Rule 2-16.2(A)(2), (4), and (7). Costs of the appeal are assessed to Carla Louise Parker.

**AFFIRMED.**

---

<sup>2</sup> We note that Ms. Parker's motion for appeal actually states that the appeal is taken from the October 28, 2013 judgment denying her motion for new trial, which ordinarily is not an appealable judgment. However, the Supreme Court has directed us to consider an appeal of the denial of a motion for new trial as an appeal of the judgment on the merits as well, when it is clear from the appellant's brief that he intended to appeal the merits of the case. **McCain v. Howell**, 06-1830 (La. App. 1 Cir. 9/14/07), 971 So.2d 323, 326 n.1, writ denied, 07-2027 (La. 12/14/07), 970 So.2d 533. Such is the case here.