

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

McDONOUGH ROBINSON, RONALD
ROBINSON AND PONCHETTA
ROBINSON WILLIAMS

NO. 2014 CW 1762

VERSUS

ASCENSION OAKS NURSING &
REHABILITATION CENTER, LLC

APR 07 2015

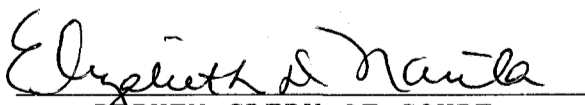
In Re: Ascension Oaks Nursing & Rehabilitation Center, LLC,
applying for supervisory writs, 23rd Judicial District
Court, Parish of Ascension, No. 110533.

BEFORE: McDONALD, CRAIN AND HOLDRIDGE, JJ.

WRIT GRANTED WITH ORDER. The trial court's November 6, 2014 judgment is reversed, insofar as it overrules the defendant's dilatory exception raising the objection of prematurity. Judgment is hereby granted sustaining the exception of prematurity and dismissing the plaintiffs' claim against the defendant, Ascension Oaks Nursing & Rehabilitation Center, LLC. A medical malpractice claim against a private qualified health care provider is subject to dismissal on a timely filed exception of prematurity if such claim has not first been reviewed by a pre-suit medical review panel. **Blevins v. Hamilton Medical Center, Inc.**, 2007-127 (La. 6/29/07), 959 So.2d 440. The plaintiffs' allegations of negligence, if proven, would constitute a claim of medical malpractice requiring a medical review panel. See La. R.S. 40:1299.41 (A) (13) & (15); **McKnight v. D & W Health Services, Inc.**, 2002-2552 (La. App. 1st Cir. 11/7/03), 873 So.2d 18.

JMM
WJC
GH

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DEPUTY CLERK OF COURT
FOR THE COURT