

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

JESSIE ANN KEYS

NO. 2017 CW 0904

VERSUS

THE STATE OF LOUISIANA, BY
AND THROUGH THE DEPARTMENT
OF PUBLIC SAFETY AND
CORRECTIONS, OFFICE OF THE
LOUISIANA STATE POLICE AND
ROBERT K. SOILEAU

OCT 16 2017

In Re: State of Louisiana, through the Department of Public Safety and Corrections, Office of the Louisiana State Police and Robert K. Soileau, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 635511.

BEFORE: WHIPPLE, C.J., McDONALD, WELCH, THERIOT AND CHUTZ, JJ.

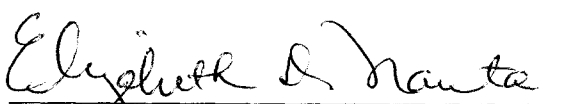
WRIT GRANTED IN PART AND DENIED IN PART. We grant the writ in part and vacate the portion of the May 12, 2017 judgment that addresses the treatment rendered to plaintiff. Louisiana Code of Civil Procedure article 966(F) provides that "(a) summary judgment may be rendered or affirmed only as to those issues set forth in the motion under consideration by the court at that time." The motion for partial summary judgment under review did not raise the issue of necessity or reasonableness of treatment rendered to plaintiff post-accident. Rather, it was limited to the issue of causation of plaintiff's injuries. Therefore, that portion of the May 12, 2017 judgment that addressed the reasonableness and necessity of treatment rendered to plaintiff is vacated. In all other respects, the writ is denied.

**JMM
MRT
WRC**

Whipple, C.J., dissents and would deny the writ on the showing made.

Welch, J., dissents and would decline to exercise this court's supervisory jurisdiction.

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DEPUTY CLERK OF COURT
FOR THE COURT