

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2018 CW 1693

LORI FRANKS, INDIVIDUALLY AND AS TUTRIX OF
HER CHILDREN, A.F. AND C.F.

VERSUS

THE LOUISIANA PATIENTS' COMPENSATION FUND
OVERSIGHT BOARD, CHARLOTTE A. HOLLMAN, M.D.,
AND DEBORAH KAY GAHAGAN

Judgment Rendered: NOV 15 2019

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APPEALED FROM THE NINETEENTH JUDICIAL DISTRICT COURT
IN AND FOR THE PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA
DOCKET NUMBER 641926, SECTION 27

HONORABLE TODD HERNANDEZ, JUDGE

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Chutz, J. concurs in result

BEFORE: McDONALD, THERIOT, and CHUTZ, JJ.

McDonald, J.

This is an appeal by the defendants in this case, Charlotte A. Hollman, M.D., and a nurse practitioner, Deborah Kay Gahagan, from a trial court judgment denying their exception of prescription. On December 12, 2018, this court, *ex proprio motu*, issued a rule to show cause whether the appeal should be dismissed, noting that it was unclear whether the August 16, 2018 judgment was a final, appealable judgment. The rule to show cause was thereafter referred to this panel. **Franks v. The La. Patients' Comp. Fund Oversight Bd.**, 2018-1693 (La. App. 1 Cir. 2/8/19) (unpublished).

The trial court judgment denying the defendants' exception of prescription is an interlocutory judgment not subject to appeal. See La. C.C.P. arts. 1841 and 2083(C). However, the matter is reviewable under this court's supervisory jurisdiction. The motion for appeal was filed within 30 days of the notice of the August 16, 2018 judgment, which is the delay provided for seeking supervisory writs. *See* Uniform Rules, Courts of Appeal, Rule 4-3. Accordingly, in the interest of judicial economy, this appeal has been converted to a writ application bearing number 2018 CW 1693. See **KAS Properties, LLC v. Louisiana Bd. of Supervisors for Louisiana State Univ.**, 2014-0566 (La. App. 1 Cir. 4/21/15), 167 So.3d 1007, 1010.

After review, the writ is denied.

APPEAL CONVERTED TO WRIT APPLICATION; WRIT DENIED.