

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

EDDIE LEE, AS THE SURVIVING  
SPOUSE OF THE DECEASED,  
KATIE KALISHA LEE, AND  
BERTIE WEARY, SHARON WEARY,  
SANDRA WEARY, GIOVANNI LEE,  
AND LEON LEE, JR., AS THE  
SURVIVING CHILDREN OF THE  
DECEASED, KATIE KALISHA LEE

NO. 2019 CW 1036

VERSUS

RAVI KANAGALA, MD, MARILYN  
E. PELIAS, MD, AND LAKEVIEW  
MEDICAL CENTER, LLC D/B/A  
LAKEVIEW REGIONAL MEDICAL  
CENTER

**SEP 30 2019**

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In Re: Marilyn E. Pelias, M.D., applying for supervisory writs, 22nd Judicial District Court, Parish of St. Tammany, No. 201315445.

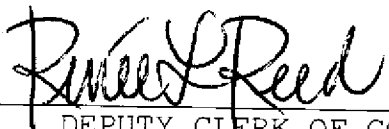
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**BEFORE: McDONALD, THERIOT, AND CHUTZ, JJ.**

**WRIT GRANTED.** Claims for medical malpractice must be brought within one year from the date of the alleged act, omission or neglect, or within one year of discovery of the alleged act, omission or neglect. See La. R.S. 9:5628. A prescriptive period begins to run even if the injured party does not have actual knowledge of facts that would entitle him to bring a suit, as long as he has constructive knowledge of such facts. **Campo v. Correa**, 2001-2707, (La. 6/21/02), 828 So.2d 502. Constructive knowledge is whatever notice is enough to excite attention and put the injured person on guard and call for inquiry. **Id.** Dr. Pelias' name appears in the medical records that were available to plaintiffs at the time they filed a timely request to convene a medical review panel as to Ravi Kanagala, M.D. and Lakeview Medical Center. This should have prompted further inquiry into Dr. Pelias' involvement in Mrs. Lee's care. Accordingly, we grant the writ, reverse the judgment of the trial court, and grant the exception of prescription dismissing plaintiffs' claims against Marilyn E. Pelias, M.D.

**JMM  
MRT  
WRC**

COURT OF APPEAL, FIRST CIRCUIT



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DEPUTY CLERK OF COURT  
FOR THE COURT