

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

SUSAN WEST AND KAREN TREBES

NO. 2019 CW 1546

VERSUS

BATON ROUGE GENERAL MEDICAL
CENTER

FEB 18 2020

In Re: Baton Rouge General Medical Center, applying for
 supervisory writs, 19th Judicial District Court,
 Parish of East Baton Rouge, No. 633,393.

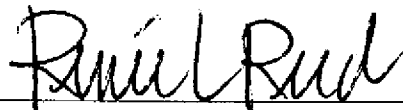
BEFORE: HIGGINBOTHAM, PENZATO, AND LANIER, JJ.

WRIT DENIED. The criteria set forth in **Herlitz
Construction Co., Inc. v. Hotel Investors of New Iberia, Inc.**,
396 So.2d 878 (La. 1981) (per curiam), are not met.

**TMH
WIL**

Penzato, J., dissents. Based on her extensive education,
training, and experience, Nurse Barrier is qualified to provide
such an opinion as to the standard of care of a nursing aide in
repositioning patients. See La. Code Evid. art. 702; **Cheairs v.
State ex rel. Department of Transportation and Development**,
2003-0680 (La. 12/3/03), 861 So.2d 536, 542.

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DEPUTY CLERK OF COURT
FOR THE COURT