

GINGER BAILEY, ET AL.

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NO. 2002-C-0199

VERSUS

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COURT OF APPEAL

**DR. GREGORY KHOURY, ET
AL.**

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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ON APPLICATION FOR WRITS DIRECTED TO
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 99-4242, DIVISION "F"
Honorable Yada Magee, Judge

JOAN BERNARD ARMSTRONG

JUDGE

(Court composed of Chief Judge William H. Byrnes III, Judge Joan Bernard
Armstrong and Judge James F. McKay, III)

MCKAY, J., DISSENTS WITH REASONS

MARK E. SEAMSTER
SEALE, DAIGLE & ROSS
200 NORTH CATE STREET
P.O. DRAWER 699
HAMMOND LOUISIANA 70404

COUNSEL FOR DEFENDANT (ECKERD CORPORATION)

WRIT GRANTED.
DISMISSED.

Relator Eckerd Corporation's response to the Rule To Show Cause shows that Eckerd was not at fault as to the lateness of its writ application and, in fact, was diligent. It is in the interest of justice to allow Eckerd's writ application to proceed.

The writ application is granted. For the reasons given in Bailey v. Khoury, et al, 2002-C-0049 (c/w 2002-C-0236), the plaintiff's claims against Eckerd Corporation are barred by prescription. Accordingly, plaintiff's claims are hereby dismissed.

WRIT GRANTED.
DISMISSED.