

GINGER BAILEY, ET AL.

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NO. 2002-C-0227

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, Judge James F. McKay, III)

MCKAY, J., DISSENTS

JACK E. TRUITT
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COUNSEL FOR DEFENDANT-APPLICANT
(WALGREENS LOUISIANA CO., INC.)

WRIT GRANTED.
DISMISSED.

Relator Walgreen Louisiana Co., Inc's. response to the Rule To Show Cause shows that Walgreen 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 Walgreen'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 Walgreen Louisiana Co., Inc's. are barred by prescription. Accordingly, plaintiff's claims are hereby dismissed.

WRIT GRANTED.
DISMISSED.