

**ST. CHARLES SURGICAL
HOSPITAL, LLC AND
CENTER FOR RESTORATIVE
BREAST SURGERY, LLC**

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**NO. 2018-C-0052

COURT OF APPEAL

FOURTH CIRCUIT

STATE OF LOUISIANA**

VERSUS

**LOUISIANA HEALTH
SERVICE & INDEMNITY
COMPANY D/B/A BLUE
CROSS AND BLUE SHIELD OF
LOUISIANA, BLUE CROSS &
BLUE SHIELD OF
LOUISIANA, INC., AND HMO
LOUISIANA, INC.**

**APPLICATION FOR REHEARING
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 2017-01095, DIVISION "C"
Honorable Sidney H. Cates, Judge**

Judge Regina Bartholomew-Woods

(Court composed of Judge Daniel L. Dysart, Judge Regina Bartholomew-Woods,
Judge Paula A. Brown)

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**REHEARING GRANTED;
WRIT GRANTED, IN PART
AND DENIED, IN PART
JUNE 6, 2018**

Plaintiffs-Respondents' application for rehearing is granted for the limited purpose of amending and clarifying this Court's prior writ disposition in this matter. This Court modifies its prior writ disposition to deny, in part, and to grant, in part, as follows:

This Court maintains that the trial court erred in denying Defendants-Relators' peremptory exceptions of res judicata and no cause of action ("the exceptions") only as it concerns those claims arising from facts and circumstances that were the subject of the federal court proceeding, specially claims prior to January 2015. Therefore, this Court modifies its writ disposition, so as to reverse the trial court's judgment and grant the exceptions for those claims arising prior to January 2015, and affirm the trial court's judgment denying the exceptions with respect to those claims arising after January 2015.

**REHEARING GRANTED; WRIT GRANTED, IN PART
AND DENIED, IN PART**