

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

03-143

**LOUISIANA PATIENTS' COMPENSATION FUND
OVERSIGHT BOARD**

VERSUS

SUSAN DEANO, JOHN L. DEANO & MARK GUILBEAU

**APPEAL FROM THE
FIFTEENTH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE, NO. 2002-2784
HONORABLE EDWARD D. RUBIN, DISTRICT JUDGE**

**SYLVIA R. COOKS
JUDGE**

Court composed of Sylvia R. Cooks, Oswald A. Decuir, and Marc T. Amy, Judges.

Amy, J, dissents for the reasons assigned in the companion case of *Deano v. Akkaraju*, 03-142 (La.App. 3 Cir. __/__/03); ___ So.2d ___.

AFFIRMED.

**Michael Keith Prudhomme
Thomas Patrick LeBlanc
Lundy & Davis
Post Office Box 3010
Lake Charles, LA 70602
(337) 439-0707
COUNSEL FOR DEFENDANT/APPELLANT:
Louisiana Patients' Compensation Fund
Vidyadhar Akkaraju, M.D.**

Edwin Byrne Edwards

Edwards Law Firm

Post Office Box 2970

Lafayette, LA 70502

(337) 237-6881

COUNSEL FOR PLAINTIFF/APPELLEE:

Susan Deano, John L. Deano, and Mark Guilbeau

W. Fox McKeithen

Secretary of State

3851 Essen Lane

Baton Rouge, LA 70809

(225) 922-1000

COUNSEL FOR DEFENDANT/APPELLEE:

Louisiana Medical Mutual Ins. Co.

COOKS, Judge.

For the reasons assigned in the companion case of *Deano v. Akkaraju*, 03-142 (La.App. 3 Cir. __/__/03), ___ So.2d ___, we affirm the judgment of the trial court sustaining the exception of no cause of action and dismissing the petition for declaratory judgment. All costs of this proceeding are assessed against appellant, the Louisiana Patients' Compensation Fund Oversight Board.

AFFIRMED.