

**DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA**

**COURT OF APPEAL, THIRD CIRCUIT**

NO: CW 15-00300

**Judgment rendered and mailed to all parties or counsel of record on April 8, 2015.**

ROXANNE LATIOLAIS  
VERSUS  
HUDSON INSURANCE COMPANY,  
ET AL.

FILED: 04/02/15

On application of Roxanne Latiolais for Supervisory Writ in No. 2011-4809 on the docket of the Fifteenth Judicial District Court, Parish of Lafayette, Honorable Michelle M. Breaux.

James Christian Lewis

Counsel for:  
Roxanne Latiolais

John Patrick Guillory

Counsel for:  
Acme Truck Line, Inc.  
Hudson Insurance Company  
John Mhire

Sidney Wallis Degan, III  
Foster P. Nash, III  
Philip Charles Brickman

Counsel for:  
Gemini Insurance Company

David Thomas Butler, Jr.

Counsel for:  
LUBA Insurance Company

Lake Charles, Louisiana, on April 8, 2015.

**STAY DENIED.**

**WRIT GRANTED IN PART AND MADE PEREMPTORY; WRIT DENIED IN PART.**

We find that the trial court erred in ordering the plaintiff to undergo a functional capacity evaluation (FCE) by Samuel Forester, a physical therapist. A physical therapist is not one of the professionals permitted to conduct examinations pursuant to La.Code Civ.P. art. 1464. *See Williams v. Smith*, 576 So.2d 448 (La.1991)(limiting examinations to those professionals specifically set forth in Article 1464). Therefore, we hereby reverse the trial court's ruling ordering the FCE. As this court orders that the FCE be set aside, we decline to issue a ruling regarding the issue of whether good cause has been shown for an FCE.

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JCP

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JTG

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JEC