

LOUISIANA COURT OF APPEAL, FIRST CIRCUIT

Jamie W. Turner, wife of/and Ricky Ray Turner, on behalf of their
minor child, Lilith May Turner v. Woman's Hospital Foundation,
d/b/a Woman's Hospital, et al.

No. 2026 CW 0044 (La. Ct. App. 2026) · No. 2026 CW 0044 · Decided February 19, 2026

SUMMARY

The Louisiana Court of Appeal, First Circuit denied a supervisory writ sought by the Louisiana Patient's Compensation Fund and related defendants in a medical malpractice action. The majority left in place a district court ruling limiting medical review panel members' testimony to the panel opinion, while two judges dissented and would have granted the writ and reversed that ruling.

CASE DETAILS

COURT	Louisiana Court of Appeal, First Circuit
WRITING FOR THE COURT	Theriot, J.; Lanier, J.; Stromberg, J.; Balfour, J.; Haggerty, J., serving pro tempore
JURISDICTION	Louisiana Court of Appeal, First Circuit
DECIDED	February 19, 2026
DOCKET	2026 CW 0044
DISPOSITION	writ_denied
PROCEDURAL POSTURE	The Louisiana Patient's Compensation Fund and the Louisiana Patient's Compensation Fund Oversight Board sought supervisory writs from an interlocutory district-court judgment granting plaintiffs' motion in limine.
PRECEDENTIAL VALUE	Unknown
PARTIES	The Louisiana Patient's Compensation Fund and The Louisiana Patient's Compensation Fund Oversight Board, through the nominal defendant, Woman's Hospital v. Jamie W. Turner, wife of/and Ricky Ray Turner, on behalf of their minor child, Lilith May Turner

TOPICS

- motion in limine
- expert testimony
- evidence
- appellate procedure
- writ of certiorari

PRACTICE AREAS

medical malpractice

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the district court erred by granting a motion in limine limiting medical review panel members' testimony to the panel's written opinion.

KEY QUOTATIONS

“WRIT DENIED.”

FACTUAL BACKGROUND

Plaintiffs sought to limit medical review panel members' testimony to the panel's written medical review panel opinion. The Louisiana Patient's Compensation Fund and related oversight board challenged that interlocutory ruling by supervisory-writ application, arguing that La. R.S. 40:1231.8(H) permits a party to call any panel member as a witness and does not limit the scope of the witness's testimony.

PROCEDURAL HISTORY

The Nineteenth Judicial District Court for East Baton Rouge Parish, docket number 657352, granted plaintiffs' motion in limine limiting testimony by medical review panel members to the medical review panel's written opinion. The Louisiana Court of Appeal, First Circuit denied the application for supervisory writs. Judges Theriot and Haggerty dissented and would have granted the writ and reversed.

DISPOSITION

writ_denied

CASES CITED

- Galloway v. Baton Rouge General Hospital, 602 So. 2d 1003, 1006-07 (La. 1992)
- Moonan v. Louisiana Med. Mut. Ins. Co., 2016-113 (La. App. 5th Cir. 9/22/16), 202 So. 3d 529, writ denied, 2016-2048 (La. 1/9/17), 214 So. 3d 869

OPINION

PER CURIAM.

STATE OF LOUISIANA COURT OF APPEAL, FIRST CIRCUIT JAMTE W. TURNER, WIFE OF/AND NO. 2026 CW 0044 RICKY RAY TURNER, ON BEHALF OF THEIR MINOR CHILD, LILITH MAY TURNER VERSUS WOMAN'S HOSPITAL FOUNDATION, FEBRUARY 19, 2026 D/B/A WOMAN'S HOSPITAL, ET AL Tn Re: The Louisiana Patient's Compensation Fund and The Louisiana Patient's Compensation Fund Oversight Board, through

the Nominal Defendant, Woman's Hospital, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 657352.

BEFORE: THERIOT, LANIER, STROMBERG, BALFOUR, AND HAGGERTY,+ JJ. WRIT DENIED. WIL TPS Theriot and Haggerty, JJ., dissent and would grant the writ and reverse the district court's judgment which granted the motion in limine filed by plaintiffs limiting the testimony of the medical review panel members to only the medical review panel opinion. Either party shall have the right to call, at his cost, any member of the medical review panel as a witness.

La. R.S. 40:1231.8(H). This statute does not place limitations on the scope of such testimony. In fact, panelists may change their individual opinions after the panel's written expert opinion has been rendered and testify to their changed opinion at trial, so long as the panel's initial opinion is also presented for consideration. *Galloway v. Baton Rouge General Hospital*, 602 So.2d 1003, 1006-07 (La.

1992). The purpose of an expert report as contemplated by La. Code Civ. P. art. 1425 is to provide the opposing party with advance notice of the expert's opinions and the basis and reasons therefore and the data or other information considered by the witness in forming the opinions. All parties herein were aware that any party could call a panel member as a witness, and it does not appear that the Louisiana Patient's Compensation Fund retained a panel member as its expert, and accordingly, all parties had access to the panel members.

See *Moonan v. Louisiana Med. Mut. Ins. Co.*, 2016-113 (La. App. Sth Cir. 9/22/16), 202 So.3d 529, writ denied, 2016-2048 (La. 1/9/17), 214 So.3d 869. WRT OF APPEAL, FIRST CIRCUIT _) FOR THE COURT 'Haggerty, J., serving pro tempore, by special appointment of the Louisiana Supreme Court.