

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.

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.