

SUPREME COURT OF LOUISIANA

Black v. St. Tammany Parish Hospital

25 So. 3d 711 (La. 2009) · No. 2008-CC-2670 · Decided November 6, 2009

SUMMARY

The Supreme Court of Louisiana held that Louisiana Revised Statute § 46:1063 provides an exclusive and mandatory venue for suits against hospital service districts. That specific provision requires suit in the district's designated domicile and prevails over the general political-subdivision venue provision in § 13:5104(B). The court overruled its contrary holding in *White v. Beauregard Memorial Hospital*, reversed the court of appeal, and reinstated the trial court's transfer of the action to St. Tammany Parish.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Knoll, Justice; Benjamin Jones, Justice Pro Tempore
JURISDICTION	Louisiana
DECIDED	November 6, 2009
DOCKET	2008-CC-2670
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The hospital defendants sought review of the First Circuit Court of Appeal's reversal of the district court's order sustaining their declinatory exception of improper venue and transferring the action to St. Tammany Parish.
STANDARD OF REVIEW	Statutory interpretation and review of a venue ruling based on a declinatory exception of improper venue.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; binding statewide precedent.
PARTIES	St. Tammany Parish Hospital Service District No. 1 d/b/a St. Tammany Parish Hospital, Dr. Robert Capitelli, Patti Ellish, Judy Gracia, Barbara Oakes v. Susan Black

TOPICS

- venue
- statutory interpretation
- whistleblower
- civil procedure
- employment law

PRACTICE AREAS

civil procedure

employment law

health law

statutory interpretation

QUESTIONS PRESENTED

1. Whether La. Rev. Stat. § 46:1063 provides an exclusive and mandatory venue for actions against a hospital service district.
2. Whether the specific venue provision for hospital service districts in La. Rev. Stat. § 46:1063 controls over the general political-subdivision venue provision in La. Rev. Stat. § 13:5104(B).
3. Whether the court's prior holding in *White v. Beauregard Memorial Hospital* should be overruled to the extent it treated La. Rev. Stat. § 13:5104(B) as controlling.

HOLDINGS

1. La. Rev. Stat. § 46:1063 provides an exclusive, mandatory venue for an action against a hospital service district in the parish of the district's designated domicile.
2. When La. Rev. Stat. § 46:1063 conflicts with La. Rev. Stat. § 13:5104(B), the specific provision in § 46:1063 prevails as an exception to the general provision in § 13:5104(B).
3. *White v. Beauregard Memorial Hospital* is overruled to the extent that it conflicts with the holding that La. Rev. Stat. § 46:1063 controls venue for suits against hospital service districts.

KEY QUOTATIONS

“Therefore, we find that a careful study of the two relevant provisions renders only one interpretation logically consistent with the presumed purpose and intent of the Legislature and conclude that La.Rev.Stat. § 46:1063 is a specific and mandatory provision which serves as an exception to the general rules of venue governing political subdivisions contained in La.Rev.Stat. § 13:5104(B).” (at 718-719)

“It logically follows that, by using the phrase “at which domicile it shall be sued,” the Legislature envisioned that hospital service districts, though political subdivisions, would be sued only in the parish of their domicile and not alternatively in the parish where the cause of action arose, as would otherwise be proper under La.Rev.Stat. § 13:5104(B).” (at 719)

“Accordingly, we reverse the judgment of the court of appeal, reinstate the judgment of the district court sustaining defendants' declinatory exception, and remand this matter to the 22nd Judicial District Court for the Parish of St. Tammany.” (at 720)

FACTUAL BACKGROUND

Susan Black worked as a licensed practical nurse at a medical clinic in Washington Parish after the clinic was taken over by St. Tammany Parish Hospital. She reported that another employee was mishandling medications and illegally prescribing and refilling controlled substances. Black alleged that she was harassed after making the report, placed on leave, and terminated. She filed suit in Washington Parish, while the hospital asserted that the action had to be brought in St. Tammany Parish under the hospital-service-district venue statute.

PROCEDURAL HISTORY

Susan Black filed a Louisiana whistleblower action in Washington Parish against St. Tammany Parish Hospital Service District No. 1 and individual defendants. The district court sustained defendants' exception of improper venue and transferred the case to St. Tammany Parish. The First Circuit reversed and remanded, holding that La. Rev. Stat. § 13:5104(B) permitted venue in Washington Parish. The Louisiana Supreme Court granted writs, reversed the court of appeal, reinstated the district court's ruling, and remanded to St. Tammany Parish.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the First Circuit judgment, reinstate the district court judgment sustaining defendants' declinatory exception of improper venue, and remand the matter to the 22nd Judicial District Court for the Parish of St. Tammany for further proceedings.

CASES CITED

- Black v. St. Tammany Parish Hospital, 8 So. 3d 569 (La. 2009)
- Underwood v. Lane Memorial Hospital, 714 So. 2d 715 (La. 1998)
- Colvin v. Louisiana Patient's Compensation Fund Oversight Board, 947 So. 2d 15 (La. 2007)
- Berteau v. Police Jury of Parish of Ascension, 39 So. 2d 594 (La. 1949)
- White v. Beauregard Memorial Hospital, 821 So. 2d 481 (La. 2002)
- SWAT 24 Shreveport Bossier, Inc. v. Bond, 808 So. 2d 294 (La. 2001)
- Moss v. State, 925 So. 2d 1185 (La. 2006)
- LeBreton v. Rabito, 714 So. 2d 1226 (La. 1998)
- Chappuis v. Reggie, 62 So. 2d 92 (La. 1952)
- Kennedy v. Kennedy, 699 So. 2d 351 (La. 1997) (on rehearing)
- Hatten v. Schwerman Trucking Co., 889 So. 2d 448 (La. App. 3 Cir. 2004), writ denied, 896 So. 2d 1009 (La. 2005)
- McClendon v. State, Department of Transportation and Development, 642 So. 2d 157 (La. 1994)