

LOUISIANA COURT OF APPEAL, FIRST CIRCUIT

**Thomas Williams, individually and on behalf of Hilda Williams v.
Hometown Senior Care, LLC and Stacy D. Jones, M.D.**

No. 2026 CW 0195 (La. Ct. App. 2026) (La. Ct. App. 2026) · No. 2026 CW 0195 · Decided April 20, 2026

OPINION

PER CURIAM.

STATE OF LOUISIANA COURT OF APPEAL, FIRST CIRCUIT THOMAS WILLIAMS, NO. 2026 CW 0195 INDIVIDUALLY, AND ON BEHALF OF HILDA WILLIAMS VERSUS HOMETOWN SENIOR CARE, LLC APRIL 20, 2026 AND STACY D. JONES, M.D. In Re: Hometown Senior Care, LLC and Massachusetts Bay Insurance Company, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 722,057.

BEFORE: LANIER, WOLFE, AND HESTER, Jd. WRIT GRANTED. The district court's December 16, 2025 judgment denying the exception of prescription filed by defendants, Hometown Senior Care, LLC, and its liability insurer, Massachusetts Bay Insurance Company, is reversed. Plaintiff's filing of the medical malpractice claim against defendants was untimely.

The prescriptive period for filing a medical malpractice claim is one year from the date of the alleged act, omission, or neglect, or within one year from the date of discovery of the alleged act, omission, or neglect. La. R.S. 9:5628(A). Further, where a health care provider is not qualified under the Louisiana Medical Malpractice Act, the filing of a request for review suspends prescription until ninety days following notification by certified mail to the claimant or his counsel that the provider is not covered.

La. R.S. 40:1231.8(A) (2) (a). Here, the timely filing of a claim with the Patients Compensation Fund against other defendants, who were deemed qualified health care providers, and against Hometown Senior Care, LLC, who was a non-qualified provider, did not suspend prescription for the medical malpractice claim against the non-qualified defendant, as joint tortfeasor, beyond ninety days after notice.

See *Maestri v. Pazos*, 2015-9 (La. App. Sth Cir. 5/28/15), 171 So.3d 369. Plaintiff was notified by certified letter on April 6, 2022 that Hometown Senior Care, LLC was a non-qualified health care provider. Therefore, the prescriptive period for filing a claim against defendant ended on July 8, 2022, or July 25, 2022 at the latest.

The petitions filed on August 8, 2022 and July 25, 2024 were thus prescribed. Accordingly, the exception of prescription filed by Hometown Senior Care, LLC, and its liability insurer,

Massachusetts Bay Insurance Company, is granted, and plaintiff's claims against these defendants are dismissed. WIL EW CHH "CONRT OF APPEAL, FIRST CIRCUIT. # oy ~ i é. J utd aL VY Wiwo PUTY CLERK OF COURT "/ FOR THE COURT

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