

Supreme Court of Louisiana

FOR IMMEDIATE NEWS RELEASE

NEWS RELEASE #029

FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Per Curiam handed down on the 22nd day of May, 2012, is as follows:

PER CURIAM:

2012-CA-0908 SUSAN ARRINGTON, INDIVIDUALLY AND ON BEHALF OF HER FORMERLY MINOR CHILDREN, NOW MAJORS, JOELLE ARRINGTON AND LAURA ARRINGTON v. GALEN-MED, INC. D/B/A LAKE AREA MEDICAL CENTER, ET AL. C/W CHARLES AND SHARON TAYLOR, ET AL. v. DR. RICHARD J. CLEMENT (Parish of Calcasieu)

Accordingly, the judgment of the district court is vacated and set aside. The case is remanded to the district court to reconsider its ruling in light of Oliver v. Magnolia Clinic, 11-2132 (La. 3/13/12), __So.3rd__.

05/22/2012

SUPREME COURT OF LOUISIANA

NO. 12-CA-0908

SUSAN, LAURA, AND JOELLE ARRINGTON

VS.

GALEN-MED, INC., HEALTHCARE INDEMNITY,
INC., AND THE STATE OF LOUISIANA, ET AL.

C/W

CHARLES & SHARON TAYLOR

VS.

ESTATE OF DR. RICHARD JOSEPH CLEMENT

PER CURIAM

Defendants invoke the appellate jurisdiction of this court pursuant to La. Const. art. V, § 5(D) to review a judgment of the district court declaring La. R.S. 40:1299.42(B), which places a cap on damages in medical malpractice actions, to be unconstitutional. Pretermitted the merits, we find that at the time the district court rendered its judgment, it did not have the benefit of our recent opinion in *Oliver v. Magnolia Clinic*, 11-2132 (La. 3/13/12), __ So. 3d __. In *Oliver*, we reiterated our holding in *Butler v. Flint Goodrich Hospital*, 607 So. 2d 517 (La. 1992), *cert. denied*, 508 U.S. 909 (1993), and recognized the malpractice cap was constitutional.

Accordingly, the judgment of the district court is vacated and set aside. The case is remanded to the district court to reconsider its ruling in light of *Oliver v. Magnolia Clinic*, 11-2132 (La. 3/13/12), __ So. 3d __.