

The Supreme Court of the State of Louisiana

LUCIA VALENZUELA AND SAUL VAZQUEZ
INDIVIDUALLY AND ON BEHALF OF THEIR
DECEASED DAUGHTER LUZ BRIANA
VAZQUEZ

No. 2023-CC-00198

VS.

DR. FARNAZ ALMAS DANJ, THE MEDICAL
PROTECTIVE COMPANY, AND LAKEVIEW
REGIONAL MEDICAL CENTER

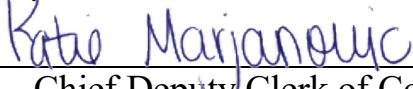
IN RE: Dr. Farnaz Almas Ganj - Applicant Defendant; Applying For Supervisory
Writ, Parish of East Baton Rouge, 19th Judicial District Court Number(s) 622254,
Court of Appeal, First Circuit, Number(s) 2022 CW 1295;

May 16, 2023

Writ application granted. See per curiam.

JBM
JLW
JDH
SJC
JTG
WJC
PDG

Supreme Court of Louisiana
May 16, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

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BEHALF OF THEIR DECEASED DAUGHTER LUZ BRIANA VAZQUEZ**

VS.

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On Supervisory Writ to the 19th Judicial District Court,
Parish of East Baton Rouge

PER CURIAM

Writ granted. The trial court erred by granting the motion to exclude the medical review panel’s opinion based on evidence the defendant was occasionally supervised by one or more of the panel members during her medical residency. A medical review panel’s opinion is subject to mandatory admission unless the panel exceeded its statutory authority. *See* La. R.S. 40:1231.8H; *Sanderson v. Tulane University Hospital and Clinic*, 18-0588 (La. 6/15/18), 245 So. 3d 1043 (per curiam); *McGlothlin v. Christus St. Patrick Hospital*, 10-2775 (La. 7/1/11), 65 So. 3d 1218, 1226-30. “Plaintiff[s] will have an adequate opportunity to explore any potential bias on the part of the panel member[s] through cross examination, and the trier of fact may assign any appropriate weight to the opinion in light of such testimony.” *Sanderson*, 245 So. 3d at 1043; *see also McGlothlin*, 65 So. 3d at 1227 (“[A]s with any expert testimony or evidence, the medical review panel opinion is subject to review and contestation by an opposing viewpoint.”) To the extent it held otherwise, *Fanguy v. Lexington Ins. Co.*, 13-0114 (La. 4/1/13), 110 So. 3d 127 (per curiam) was implicitly overruled by *Sanderson* and is expressly overruled herein. The trial court’s judgment granting the motion to exclude is reversed, and this matter is remanded for further proceedings.

JUDGMENT REVERSED; CASE REMANDED.