

The Supreme Court of the State of Louisiana

DARCY DRIVER, DEANN DRIVER AND
DANIELLE DRIVER-ROUSSEL,
INDIVIDUALLY AND ON BEHALF OF
THEIR DECEASED PARENTS, ALBERT, JR.
AND KATHIE DRIVER

No. 2025-C-01057

VS.

WILLIS KNIGHTON PIERREMONT
HEALTH CENTER, ET AL.

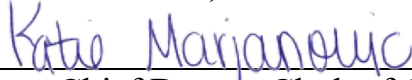
IN RE: Louisiana Patient's Compensation Fund Oversight Board - Applicant
Intervenor; Applying For Writ Of Certiorari, Parish of Caddo, 1st Judicial District
Court Number(s) 618,081, Court of Appeal, Second Circuit, Number(s) 56,039-CA;

November 19, 2025

Writ application granted. See per curiam.

JLW
JDH
JBM
PDG
CRC

Crain, J., concurs.
Guidry, J., dissents and assigns reasons.

Supreme Court of Louisiana
November 19, 2025


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-C-01057

**DARCY DRIVER, DEANN DRIVER AND DANIELLE DRIVER-ROUSSEL,
INDIVIDUALLY AND ON BEHALF OF THEIR DECEASED PARENTS,
ALBERT, JR. AND KATHIE DRIVER**

VS.

WILLIS KNIGHTON PIERREMONT HEALTH CENTER, ET AL.

On Writ of Certiorari to the Court of Appeal, Second Circuit, Parish of Caddo

PER CURIAM

Writ granted. This Court previously vacated the judgment of the court of appeal and remanded the matter, instructing the court to perform a comparative fault analysis among the defendant healthcare providers as required by La. C.C. art. 2323. *Darcy Driver, Deann Driver and Danielle Driver-Roussell, Individually and on Behalf of Their Deceased Parents, Albert, Jr., and Kathie Driver v. Willis Knighton Pierremont Health Center, et al.*, 25-391, 25-400 (La. 6/25/25), 412 So. 3d 215 (mem.). On remand, the court of appeal again reversed the jury’s verdict, awarding plaintiffs the statutory cap of \$500,000 in damages for decedent’s injuries, plus \$130,995.41 in medical expenses, plus interest and costs.¹ Furthermore, in accordance with this Court’s per curiam, the court apportioned 75% fault to defendant Nikunj Parikh, M.D., and 25% fault to Willis-Knighton Pierremont Health Center. *Darcy Driver, Deann Driver and Danielle Driver-Roussell, Individually and on Behalf of Their Deceased Parents, Albert, Jr., and Kathie Driver v. Willis Knighton Pierremont Health Center, et al.*, 56,039 (La. App. 2 Cir. 7/23/25), 416

¹ La. R.S. 40:1231.2(B)(1) provides that “[t]he total amount recoverable for all malpractice claims for injuries to or death of a patient, exclusive of future medical care and related benefits as provided in La. R.S. 40:1231.3, shall not exceed five hundred thousand dollars plus interest and cost.”

So. 3d 974. Both Defendants and intervenor² herein, the Louisiana Patient's Compensation Fund Oversight Board ("PCF"), have separately sought review in this Court.³

The PCF correctly asserts the court of appeal erred in not applying the statutory cap applicable to Nikunj Parikh, M.D., and Willis-Knighton Pierremont Health Center, as each defendant is subject to a \$100,000 cap on damages, plus interest and costs. *See* La. R.S. 40:1231.2(B)(2) ("A health care provider under this Part is not liable for an amount in excess of one hundred thousand dollars plus interest thereon accruing after April 1, 1991. . . ."). Thus, in this matter, the PCF is only obligated for any amount in excess of the sum of the qualified healthcare providers' limits of liability or for amounts above \$200,000, subject to the general cap on damages, plus medical expenses incurred prior to trial. La. R.S. 40:1231.2(B)(3)(a).

Accordingly, the judgment of the court of appeal is amended to reflect that each defendant in this matter, Nikunj Parikh, M.D., and Willis-Knighton Pierremont Health Center, is subject to a \$100,000 statutory cap as set forth in La. R.S. 40:1231.2(B)(2) plus legal interest and their respective share of costs through the date of judgment. The PCF is responsible for the remainder due under the Judgment as rendered by the appellate court. In all other respects, the court of appeal's judgment is affirmed.

AMENDED AND AS AMENDED, AFFIRMED.

²On March 24, 2025, the Louisiana Patient's Compensation Fund Oversight Board was granted leave by the court of appeal to intervene in this matter.

³*Darcy Driver, Deann Driver and Danielle Driver-Roussell, Individually and on Behalf of Their Deceased Parents, Albert, Jr., and Kathie Driver v. Willis Knighton Pierremont Health Center, et al.*, 25-1068 (La. 11/19/25), -- So.3d --, writ denied.