

The Supreme Court of the State of Louisiana

DAVID RODNEY ELLIOT, ON BEHALF OF
S.E.

No. 2025-CC-01059

VS.

THE ARC OF THE UNITED STATES, INC.,
AND THE ASSOCIATION FOR RETARDED
CITIZENS OF SABRINE, INC.

IN RE: David Rodney Elliot, on Behalf of S.E. - Applicant Plaintiff; Applying For
Writ Of Certiorari, Parish of Sabine, 11th Judicial District Court Number(s) 70,268,
Court of Appeal, Third Circuit, Number(s) CW 25-00364;

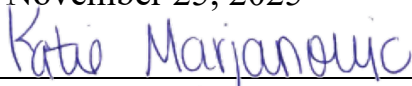
November 25, 2025

Writ application granted. See per curiam.

JDH
WJC
JBM
PDG
CRC

Weimer, C.J., dissents and would grant and docket and assigns reasons.
Guidry, J., dissents and would grant and docket.

Supreme Court of Louisiana
November 25, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-CC-01059

DAVID RODNEY ELLIOT, ON BEHALF OF S.E.

VS.

**THE ARC OF THE UNITED STATES, INC., AND THE ASSOCIATION
FOR RETARDED CITIZENS OF SABRINE, INC.**

On Writ of Certiorari to the Court of Appeal, Third Circuit, Parish of Sabine

PER CURIAM

Writ granted. This case involves alleged sexual assaults by a bus driver for the Association of Retarded Citizens of Sabine, Inc., a local chapter of the ARC of the United States, Inc. The alleged victim is an intellectually disabled woman, and the sexual assaults allegedly occurred between 2017 and 2018. Suit was filed in January 2020, alleging ARC’s negligence, specifically its failure to implement proper oversight, safety policies, and accountability measures to protect the victim.

ARC filed an exception of prescription, arguing plaintiff’s claims are prescribed pursuant to the one-year prescriptive period applicable to delictual actions at all times pertinent herein. *See* La. Civ. Code art. 3492 (repealed by 2024 La. Acts No. 423).¹ The trial court denied the exception, applying Louisiana Civil Code article 3496.2, which provides a three-year prescriptive period for a “delictual action against a person for any act of sexual assault as defined in R.S. 46:2184.”

Reversing the trial court, the court of appeal found the claims against ARC allege acts of general negligence, not sexual assaults, so Article 3496.2 is not applicable. *See Elliot v. The Arc of The United States, Inc.*, 25-00364 (La. App. 3 Cir.

¹ *See now* La. Civ. Code art. 3493.1, establishing two-year liberative prescription for delictual actions arising after July 1, 2024. *See* 2024 La. Acts No. 423 §3.

7/24/25) (unpublished writ action). The court of appeal held the claims are subject to the one-year prescriptive period in former Article 3492 and had prescribed. *See Id.* We disagree.

Article 3496.2 applies to an action “against a person for any act of sexual assault.” The article does not specify if the person must be the actual perpetrator of the sexual assault, or, as in this case, another person allegedly liable for the sexual assault. The legislature could have limited the article’s application to the perpetrator or offender, but instead used the broader term “person,” which includes both natural and juridical persons. *See* La. Civ. Code art. 24. Notably, Article 3496.2 uses the more limited term “offender” only for purposes of determining a potential trigger of the prescription: “the day the victim is notified of the identity of the offender by law enforcement or a judicial agency.” *See* La. Civ. Code art. 3496.2.

The legislature can draft, and has drafted, laws relating to recovery for sexual assaults that limit their application to the individual assailant. Louisiana Civil Code article 2315.11 allows exemplary damages for injuries caused by sexual assaults in the workplace. The article references the prescriptive period in Article 3496.2 and, like that provision, adopts the definition of sexual assault in Louisiana Revised Statutes 46:2184. However, unlike Article 3496.2, Article 2315.11 states: “The provisions of this Article shall be applicable *only to the perpetrator of the sexual assault.*” La. Civ. Code art. 2315.11B (emphasis added). Similar restrictive language is not in Article 3496.2. The legislature is “presumed to act deliberately and with full knowledge of existing laws on the same subject, with awareness of court cases and well-established principles of statutory construction.” *Borel v. Young*, 07-0419 (La. 11/27/07), 989 So. 2d 42, 48, *on reh’g* (July 1, 2008). While the legislature chose to limit Article 2315.11 to the individual assailant, the legislature chose *not* do so in Article 3496.2.

Further, in the context of sexual abuse torts, this Court recently applied special prescriptive provisions to corporate defendants. Louisiana Revised Statute 9:2800.9, provides that “[a]n action against *a person* for sexual abuse of a minor . . . does not prescribe.” (Emphasis added.) In *Bienvenu v. Defendant 1*, 23-1194 (La. 6/12/24), 386 So. 3d 280 (on rehearing), we found an action under this statute against corporate defendants did not prescribe. *Id.*, 386 So. 3d at 284.

The legislature enacted Article 3496.2 to expand the prescriptive period for sexual assault survivors by giving them additional time to seek redress. A narrow reading of the article undermines that purpose and this Court’s directive that “prescription statutes are strictly construed against prescription and in favor of the claim sought to be extinguished by it.” *Wells v. Zadeck*, 11-1232 (La. 3/30/12), 89 So. 3d 1145, 1149. We reinstate the trial court’s judgment applying the three-year prescriptive period.

REVERSED AND REMANDED