

LAURA M. BADEAUX

NO. 25-C-261

VERSUS

FIFTH CIRCUIT

OCHSNER HEALTH SYSTEMS,
INC./OCHSNER CLINIC FOUNDATION AND
LHC GROUP, INC.

COURT OF APPEAL
STATE OF LOUISIANA

FIFTH CIRCUIT COURT OF APPEAL
A TRUE COPY OF DOCUMENTS AS
SAME APPEARS IN OUR RECORDS


Jalisa Walker
Deputy, Clerk of Court

July 07, 2025

Jalisa Walker
Deputy Clerk

IN RE LHC GROUP, INC.

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT,
PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE JACQUELINE F.
MALONEY, DIVISION "D", NUMBER 842-963

Panel composed of Judges Jude G. Gravois,
Marc E. Johnson, and Timothy S. Marcel

WRIT DENIED

Relator, LHC Group, Inc. (“LHC”), seeks review of the trial court’s May 12, 2025 ruling that denied its motion *in limine* that sought to exclude Plaintiff, Laura M. Badeaux, from testifying at trial. In its motion, LHC argued that Mrs. Badeaux’s testimony should be excluded at trial because it would have no probative value to the jury; even if the testimony were relevant, its meager probative value would be far outweighed by the danger of confusion of the issues, unfair prejudice, and considerations of undue delay or waste of time; and, Mrs. Badeaux is likely a legally incompetent witness. Specifically, LHC contended that Mrs. Badeaux’s deposition testimony demonstrated her inability to provide any probative or relevant information regarding the circumstances before, during, or after her October 24, 2022 fall due to her aphasia. As a result, it maintained that Mrs. Badeaux is likely a legally incompetent witness. LHC also contended that allowing Mrs. Badeaux to

testify would present a danger of confusion of the issues because Mrs. Badeaux would be unable to discuss any of the events that occurred or environmental factors involving the incident.

In opposition, Mrs. Badeaux argued that LHC's motion *in limine* is an attempt to usurp the duty of the jury to assess credibility. She averred that her testimony is not only relevant to the issue of causation of the fall, but it is also consistent with the evidence contained in her medical records. Mrs. Badeaux further averred that, although she may at times struggle with verbally communicating due to the aphasia, the deposition testimony showed that she can successfully find her words and recollect her trip and fall on October 24, 2022.

At the hearing on LHC's motion, the trial court stated that Mrs. Badeaux described the details of the fall in her deposition, and the jury will interpret what she means.

After review, we find that the trial court properly denied LHC's motion *in limine* to exclude Mrs. Badeaux's testimony at trial. At this juncture, we find that a determination of Mrs. Badeaux's legal competency to testify at trial is premature. The trial court can make a determination of whether Mrs. Badeaux is legally competent to testify at the time of trial. If Mrs. Badeaux is able to testify at trial, her testimony would be relevant for the jury's determination of the causation of her fall.

Accordingly, the writ application is denied.

Gretna, Louisiana, this 7th day of July, 2025.

MEJ
JGG
TSM

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



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CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **07/07/2025** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

25-C-261

E-NOTIFIED

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|--|---------------------------------------|
| 24th Judicial District Court (Clerk) | |
| Honorable Jacqueline F. Maloney (DISTRICT JUDGE) | |
| Peter E. Sperling (Respondent) | Kathryn M. Caraway (Relator) |
| | Lawrence J. Centola, III (Respondent) |
| | Ann M. LeBlanc (Relator) |
| | Megan L. LeBlanc (Respondent) |

MAILED

| | | |
|------------------------------|------------------------------|-------------------------------|
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