

**Fifth Circuit Court of Appeal
State of Louisiana**

No. 26-C-89

DON MUELLER AND DANA-RAE MUELLER, INDIVIDUALLY,
AND ON BEHALF OF THEIR DECEASED MINOR CHILD, E.C.

versus

RIVER OAKS, INC. D/B/A RIVER OAKS HOSPITAL

IN RE RIVER OAKS, INC. D/B/A RIVER OAKS HOSPITAL AND RENNARD WEST
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
FRANK A. BRINDISI, DIVISION "E", No. 840-406

TRUE COPY

July 06, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,
Jude G. Gravois, and Stephen J. Windhorst

WRIT DENIED

Relators-Defendants, River Oaks, Inc. d/b/a River Oaks Hospital and Rennard West (collectively, "River Oaks"), seek supervisory review of the trial court's judgments ordering River Oaks to produce documents they contend are privileged under federal and state law. For the following reasons, we deny the writ application.

FACTUAL AND PROCEDURAL BACKGROUND

This writ arises from a wrongful death suit filed by Respondents-Plaintiffs, Don Mueller and Dana-Rae Mueller, individually, and on behalf of their deceased minor child, E.C., against River Oaks. The Muellers allege that their 15-year-old child, E.C., was subjected to an improper chokehold by Rennard West, a River Oaks

mental health technician, and that E.C. later died by suicide as a result. They assert that River Oaks and its employees deviated from the applicable standard of care, and that the sole and proximate cause of the incident was the negligent acts or omissions of Defendants, including the negligent hiring and negligent supervision of Mr. West.

In the course of discovery, the Muellers propounded discovery to River Oaks seeking the production of their complete file on E.C. and Mr. West's entire personnel record, to wit:

Plaintiffs' First Set of Requests for Production of Documents
Request for Production No. 1:

Please produce a certified complete copy of the entire file you have pertaining to any and all matters regarding the deceased minor child, E.C., SSN: XXX-X5-5081, D/O/B: 11/7/2006, including but not limited to the following:

1. Any and all correspondences, accident/or incident reports, expert reports, investigation records, photographs and/or videos; and
2. Any and all medical records pertaining to the care and treatment of E.C. including, but not limited to, correspondence, notes, medications, treatment plans, school records, progress notes, patient's treatment history, laboratory reports, test reports, summaries, outpatient and clinical records, psychiatric records, emergency records and charts, admission and discharge summaries.

Plaintiffs' Second Set of Requests for Production of Documents
Request for Production No. 1:

Please produce a certified complete copy of the entire file you have pertaining to the employee identified by initials "MHT" who was on duty on May 8, 2022 and referenced in the medical records produced by River Oaks identified by bates number "River Oaks 179." This request specifically includes the following documents pertaining to "MHT":

1. Personnel file;
2. Any and all correspondences, accident/or incident reports, expert reports, investigation records, background records, criminal records, photographs and/or videos involving; and
3. Any and all disciplinary records.
4. Hiring and termination records.

River Oaks objected to the requests on the basis that the documents are privileged pursuant to the federal Patient Safety and Quality Improvement Act,

42 U.S.C. § 299b-21 *et seq.*, the Louisiana Peer Review Statute, La. R.S. 13:3715.3, and the healthcare provider-patient privilege, La. C.E. art. 510. They also objected based on general principles of privacy and relevance. In response, the Muellers filed a motion to compel, arguing that the requested discovery is not protected under any privilege asserted by River Oaks.

On June 26, 2025, the trial court ordered River Oaks to submit all withheld documents for *in camera* inspection and to produce a privilege log. Following its *in camera* inspection, the trial court held a hearing on the motions on December 10, 2025. During the hearing, the trial court heard testimony from Tiffany Manno, River Oaks' Director of Risk Management, Quality Director, and Compliance Officer. Ms. Manno testified that her role focuses primarily on patient safety, quality improvement, and risk reduction, with less than 1% of her work relating to litigation or claims. Her responsibilities include investigating hospital events, interviewing staff, analyzing incidents, developing corrective action plans, and collaborating with hospital leadership to prevent future harm.

Ms. Manno described River Oaks' participation in the federal Patient Safety and Quality Improvement Act framework, including its Patient Safety Evaluation System ("PSES"). She testified that approximately 80% of her work occurs within the PSES and that River Oaks maintains a formal membership agreement with PsychSafe, a federally listed Patient Safety Organization ("PSO"). She explained that safety-related information is collected and analyzed within the PSES for internal improvement and may be submitted to PsychSafe for further review. She testified that all documents identified on the privilege log as Patient Safety Work Product ("PSWP") were created within the PSES and submitted to the PSO for purposes of analysis and reporting.

On January 14, 2026, the trial court issued its judgment granting the motions to compel in part. Specifically, the judgment compelled the production of thirteen

out of seventeen (13 of 17) documents reviewed by the trial court, including the following numbered and entitled documents:

- (1) Adverse Event Report and Patient Safety Issues Identified;
- (2) PsychSafe Risk/Clinical Summary with attached note regarding interview prepared by Tiffany Manno;
- (3) Note regarding staff training;
- (5–8) Multiple Health Care Peer Review Reports of incident regarding E.C. dated May 8, May 10, and July 18, 2022;
- (9–10) Initial and Final Reports by Tiffany Manno to Louisiana Department of Health Hospital/Licensed Provider Abuse/Neglect;
- (11) Tiffany Manno investigation notes/memos/statements;
- (12) Email from Christina Mohammed to Shannon Bryant and Brady Rivet;
- (14) Grievance Resolution Form completed by Holden Hayes, patient advocate; and
- (17) Sarbanes-Oxley Report.

In a supplemental judgment dated February 2, 2026, the trial court also compelled the production of thirteen out of twenty-nine (13 of 29) documents from Mr. West’s employment file, including the following numbered and entitled documents:

- (18) PreCheck background check on Rennard West;
- (19) Email from Joni McMurchy to Catherine Plaisance;
- (20) Email from Wanda Hoffman to Joni McMurchy;
- (21) Criminal District Court closing case document dated July 23, 2019;
- (22) PAF Employee Demographic Data requested July 28, 2022 including termination information unrelated to E.C.;
- (23) Employee Corrective Action Report dated May 10, 2022 regarding May 8, 2022 encounter with E.C.;
- (24) Notes from HR regarding May 8, 2022 encounter with E.C.;
- (25) PAF Employee Demographic Data requested July 28, 2022 (identical to Cubas-West Employment File – 27 with addition of “sticky note”);
- (26) Employee Corrective Action Report dated June 20, 2022;
- (27) Louisiana Workforce Commission Separation Notice dated June 23, 2022;
- (28) Notes on Termination Meeting Dates June 20, 2022;
- (29) Email from Catherine Plaisance to Tiffany Manno; and
- (32) Report from Tiffany Manno to the Louisiana Department of Health Hospital.

In sum, the trial court reviewed forty-six documents and determined that twenty were privileged, while the other twenty-six were not and were therefore subject to production.

This timely writ application followed.

LAW AND ANALYSIS

In their writ application, River Oaks argues the trial court erred in granting the Mueller's motion to compel because the requested documents are privileged under federal and state law. River Oaks raises four assignments of error asserting that the trial court erred in overruling their objections based on the Federal Patient Safety Work Product Privilege; the state peer review privilege of La. R.S. 13:3715.3; the healthcare provider-patient privileges of La. C.E. art. 510 and HIPAA; and the privacy interests of Mr. West and relevance to these proceedings.

In ruling on discovery matters, the trial court is vested with broad discretion, and an appellate court should not disturb such rulings absent a clear abuse of discretion. *Danos v. Minnard*, 19-268 (La. App. 5 Cir. 8/28/19), 279 So.3d 486, 490 (citing *Khoobehi Properties, LLC v. Baronne Dev. No. 2, L.L.C.*, 16-506 (La. App. 5 Cir. 3/29/17), 216 So.3d 287, 303, *writ denied*, 17-0893 (La. 9/29/17), 227 So.3d 288). The precise issue we are called upon to resolve is whether the trial court erred in granting, in part, the Muellers' request for disclosure of documents relating to the incident at River Oaks involving its employee, Mr. West, and E.C. As a general rule, parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. La. C.C.P. art. 1422; *see also Moss v. State*, 05-1963 (La. 4/4/06), 925 So.2d 1185, 1190–91; *Danos*, 279 So.3d at 490. Thus, the key question is whether the requested discovery is privileged.

River Oaks objects to the production of the requested documents on the basis that they are protected by the federal patient safety work product privilege. Congress

enacted the Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. § 299b-21 *et seq.*, (“PSQIA” or the “Act”), to encourage health care providers to evaluate and report medical errors in a confidential and privileged system designed to improve patient safety. 42 U.S.C. § 299b-21(5)(D); *In re BayCare Med. Grp., Inc.*, 101 F.4th 1287, 1288–89 (11th Cir. 2024). The PSQIA creates a framework through which medical care providers may engage in privileged peer review of their patient safety practices. *Rumsey v. Guthrie Med. Grp., P.C. by & through its officers, agents &/or employees*, 4:18-CV-01605, 2019 WL 4687560, at *1 (M.D. Pa. Sept. 26, 2019). First, the provider develops a process for collecting, managing, and analyzing patient safety data; this process is called the patient safety evaluation system (“PSES”).¹ The provider then discloses that data to a certified third-party patient safety organization (“PSO”).² Ultimately, privilege attaches to the underlying patient safety work product (“PSWP”) that is prepared for the purpose of disclosing to a PSO as part of a PSES. The PSQIA defines “patient safety work product” as:

Any data, reports, records, memoranda, analyses (such as root cause analyses), or written or oral statements—

(i) which—

(I) are assembled or developed by a provider for reporting to a patient safety organization and are reported to a patient safety organization; or

(II) are developed by a patient safety organization for the conduct of patient safety activities;

and which could result in improved patient safety, health care quality, or health care outcomes; or

(ii) which identify or constitute the deliberations or analysis of, or identify the fact of reporting pursuant to, a patient safety evaluation system.

¹ The Act defines a “patient safety evaluation system” as “the collection, management, or analysis of information for reporting to or by a patient safety organization.” *Id.* § 299b–21(6).

² The Act defines a “patient safety organization” as “a private or public entity or component thereof that is listed by the Secretary” of HHS as a qualifying entity. *Id.* § 299b-21(4).

42 U.S.C. § 299b-21(7)(A). The PSQIA goes on to clarify:

(ii) Information described in subparagraph (A) does not include information that is collected, maintained, or developed separately, or exists separately, from a patient safety evaluation system. Such separate information or a copy thereof reported to a patient safety organization shall not by reason of its reporting be considered patient safety work product.

42 USC § 299b-21(7)(B).

The Louisiana Peer Review Statute, La. R.S. 13:3715.3, provides that a hospital's peer review committee records are generally privileged and not available for discovery or court subpoena. In *Danos v. Minnard*, this Court described the scope of the privilege, as follows:

The Louisiana Supreme Court, in *Smith v. Lincoln Gen. Hosp.*, 605 So.2d 1347, 1348 (La. 1992), in considering the scope of both La. R.S. 13:3715.3 and La. R.S. 44:7,2 stated: . . . These provisions are intended to provide confidentiality to the records and proceedings of hospital committees, not to insulate from discovery certain facts merely because they have come under the review of any particular committee. Such an interpretation could cause any fact which a hospital chooses to unilaterally characterize as involving information relied upon by one of the sundry committees formed to regulate and operate the hospital to be barred from an opposing litigant's discovery regardless of the nature of that information. Such could not have been the intent of the legislature, especially in light of broad scope given to discovery in general. La. C.C.P. art. 1422. Further, privileges, which are in derogation of such broad exchange of facts, are to be strictly interpreted.

. . . Nevertheless, when a plaintiff seeks information relevant to his case that is not information regarding the action taken by a committee or its exchange of honest self-critical study but merely factual accountings of otherwise discoverable facts, such information is not protected by any privilege as it does not come within the scope of information entitled to that privilege.

This does not mean that the plaintiff is entitled to the entire study, as such study may contain evidence of policy making, remedial action, proposed courses of conduct, and self-critical analysis which the privilege seeks to protect in order to foster the ability of hospitals to regulate themselves unhindered by outside scrutiny and unconcerned about the possible liability ramifications their discussions might bring about. As such, the trial court must make an *in camera* inspection of such records and determine to what extent they may be discoverable

279 So.3d at 490–91.

In the present case, the record reflects that the trial court conducted an *in camera* review of the discovery at issue before partially granting the Muellers' motions to compel. It reviewed a total of forty-six documents withheld by River Oaks and determined that twenty were privileged, while the remaining twenty-six were not. This determination followed not only the *in camera* review, but also an evidentiary hearing during which the trial court received witness testimony. Accordingly, the trial court had sufficient information before it to assess the applicability of the asserted privileges, if any, and its ruling demonstrates a measured and considered approach. We find no error in the trial court's decision to compel production of the requested discovery. Moreover, upon our own review of the documents at issue, we likewise conclude that they are not protected by any of the privileges or objections asserted by River Oaks and are therefore discoverable.

CONCLUSION

For the foregoing reasons, we deny the writ application.

Gretna, Louisiana, this 6th day of July, 2026.

**FHW
JGG
SJW**

SUSAN M. CHEHARDY
CHIEF JUDGE

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



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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 **07/06/2026** 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

26-C-89

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Frank A. Brindisi (DISTRICT JUDGE)
Alexis R. Jani (Relator)

David A. Bowling (Relator)
Rachael P. Catalanotto (Respondent)
Katherine S. Drummond (Relator)

MAILED

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