

LAURA M. BADEAUX

NO. 25-C-262

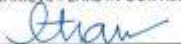
VERSUS

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


Linda Tran
First Deputy, Clerk of Court

July 25, 2025

Linda Tran
First 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* to Exclude Irrelevant, Hearsay and Character Evidence. In its motion, LHC argued that Plaintiff, Mrs. Badeaux, would attempt to offer as evidence her adult daughters’ criticisms of the treatment provided to her late husband and private information about one of his caregivers, Nurse Kristin Todd, which it maintains is irrelevant in determining the cause of Mrs. Badeaux’s fall which occurred during an overnight stay in her husband’s room at the long-term acute care facility operated by LHC.

The district court denied the motion, and, at the hearing, stated the evidence regarding Nurse Todd “is relevant”, and that it would “permit the plaintiff to ask questions about what Nurse Todd specifically did that night, obviously, the fact she was on probation and why.” The court also disagreed with LHC’s argument that the family’s complaints about Mr. Badeaux’s care during his stay at the facility operated by LHC were unrelated to the events leading to Mrs. Badeaux’s fall.

In its application, LHC alleges that Mrs. Badeaux’s objective is to make it “look bad in front of the jury” via what she purports to be relevant character and habit evidence. It urges that she should not be able to present to the jury her daughters’ criticisms about the care her late husband received at the facility, or the “irrelevant and inflammatory” information about Nurse Todd. In response, Mrs. Badeaux’s Opposition avers that LHC’s request to exclude evidence was overbroad and premature. Further, they maintain that the application has not met

the requirements for supervisory review provided by *Herlitz Const. Co., Inc. v. Hotel Inv'rs of New Iberia, Inc.*, 396 So.2d 878 (La. 1981). We agree.

On the showing made, we find that the district court did not abuse its discretion in denying LHC's pre-trial motion *in limine*. "The trial court is afforded great discretion in evidentiary rulings, and absent a clear abuse of that discretion, rulings regarding the relevancy and admissibility of evidence will not be disturbed on appeal." *Simmons v. Simmons*, 24-162, p. 13 (La. App. 5 Cir. 1/29/25), 403 So.3d 1265, 1275, writ denied, 25-292 (La. 5/29/25); *see also Williams v. Bd. of Sup'rs of Univ. of Louisiana Sys.*, 48,763, p. 9 (La. App. 2 Cir. 2/26/14), 135 So.3d 804, 811, writ denied, 14-0666 (La. 5/2/14), 138 So.3d 1249, citing *Entergy Gulf States, Inc. v. Louisiana Public Service Commission*, 98-1235 (La. 04/16/99), 730 So.2d 890.

"Character evidence may be divided into four subcategories: a person's general character, specific character trait, habit, or specific acts. Any one of these may be direct evidence, depending upon the nature of the claim or defense." 19 Frank L. Maraist, Nolan J. Edwards, Holt B. Harrison, § 5.2. *Relevancy—Character evidence*, 19 Civil Law Treatise, Evidence and Proof (2d. ed.) (Sept. 2022 update). "Character evidence permits the proponent to prove general character or character traits. Habit evidence requires proof of a very specific, frequently repeated behavioral pattern. Habit evidence may not use reputation evidence." Hon. Billie Colombaro, John W. deGravelles, Esq., David R. Frohn, Esq., § 5:68. *Exclusion of relevant evidence—Evidence of habit or routine practice—Distinguished from character*, Louisiana Civil Trial Procedure (Sept. 2024 update). "The general rule is: evidence of character, a particular character trait, or a prior or subsequent act, when offered to prove conduct—that the actor "acted in conformity therewith on a particular occasion"—is inadmissible. *See Maraist, supra*. (Footnotes omitted).

Because there are exceptions to this rule which may allow the introduction of such evidence at trial, the trial court is instructed to rule on the evidence in question in the context of its presentation at trial. *See* 1 Frank L. Maraist, *Pre-trial ruling on evidentiary issues*, Louisiana Civil Law Treatise, Civil Procedure § 10:9 (2d ed.) (Nov. 2021 update), n.5. As LHC is not prohibited from re-urging its objections to the evidence as necessary at trial, we decline to disturb the district court's ruling at this stage in the proceeding.

Accordingly, the writ is denied.

Gretna, Louisiana, this 25th 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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SUSAN S. BUCHHOLZ
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LINDA M. TRAN
FIRST DEPUTY CLERK

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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 **07/25/2025** 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-262

E-NOTIFIED

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

MAILED

Kari D. Fleming (Respondent)	Jason Z. Landry (Respondent)	Erica L. Andrews (Relator)
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		New Orleans, LA 70119