

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

No. 26-C-214

UNIVERSITY HEALTHCARE SYSTEMS, L.C.
D/B/A EAST JEFFERSON GENERAL HOSPITAL

versus

PELICAN STATE INDUSTRIAL MEDICINE, INC., A
PROFESSIONAL MEDICAL CORPORATION D/B/A PELICAN
STATE OUTPATIENT CENTER

IN RE UNIVERSITY HEALTHCARE SYSTEMS, L.C. D/B/A EAST JEFFERSON GENERAL
HOSPITAL
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
RAYMOND S. STEIB, JR., DIVISION "A", No. 864-004

TRUE COPY

May 21, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Stephen J. Windhorst,
John J. Molaison, Jr., and Scott U. Schlegel

WRIT DENIED

In this writ application, plaintiff, University Healthcare Systems, L.C. d/b/a East Jefferson General Hospital ("EJGH") seeks supervisory review of the trial court's judgment signed on April 15, 2026 denying EJGH's motion for summary judgment. EJGH's motion sought a determination that defendant, Pelican State Industrial Medicine, Inc., A Professional Medical Corporation d/b/a Pelican State Outpatient Center ("Pelican"), owes a balance of \$1,162,096.44, plus interest at 4% per annum, plus reasonable attorney's fees, and costs, based upon an open account between the parties.

A motion for summary judgment should be granted if there is no genuine issue as to material fact and the mover is entitled to judgment as a matter of law. La. C.C.P. art. 966(A)(3). The initial burden of proof is with the mover to show that no genuine issue of material fact exists. If the moving party will not bear the burden of proof at trial, the moving party must only point out that there is an absence of factual support for one or more elements essential to the adverse party's claim, action, or defense. *Romero v. Wal-Mart, Inc.*, 23-518 (La. App. 5 Cir. 5/29/24), 388 So.3d 1269, 1272, *writ denied*, 24-844 (La. 10/15/24), 394 So.3d 818.

Factual inferences reasonably drawn from the evidence must be construed in favor of the party opposing the motion and all doubts must be resolved in the opponent's favor. *Willis v. Medders*, 00-2507 (La. 12/8/00), 775 So.2d 1049, 1050; *Tull v. Pinnacle Entertainment, Inc.*, 23-236 (La. App. 5 Cir. 12/27/23), 380 So.3d 679, 682. In determining whether an issue of fact is genuine, as necessary for it to preclude summary judgment, courts cannot consider the merits, make credibility determinations, evaluate testimony, or weigh evidence. *B & P Restaurant Group, LLC v. Delta Administrative Services, LLC*, 18-442 (La. App. 5 Cir. 9/4/19), 279 So.3d 492, 501, *writ denied*, 19-1755 (La. 1/14/20), 291 So.3d 685.

In the pending case, Pelican's opposition included an affidavit stating that the affiant had reviewed documents related to the parties' agreement for 15 years. The affidavit further stated that (1) multiple charges in EJGH's claims are not properly allocable to Pelican; (2) certain identified charges should be invoiced to a different party; and (3) charges appear in months when Pelican rendered no services. The affidavit raises genuine issues of material fact.

The authorities cited by EJGH are distinguishable. Those cases found affidavits to be insufficient when they contained only conclusory allegations or

general denials. *See National Gypsum Co. v. Ace Wholesale, Inc.*, 96-215 (La. App. 5 Cir. 11/26/96), 685 So.2d 306, 308–09, *writ denied*, 96-3055 (La. 2/7/97), 688 So.2d 502 (affidavits with conclusory allegations of fact that are devoid of specific facts are insufficient to defeat a summary judgment); *Cach, LLC v. Cheatwood*, 20-588 (La. App. 3 Cir. 5/5/21), 2021 WL 1783534 at *2, *writ denied*, 21-1085 (La. 11/10/21), 326 So. 3d 1242 (affidavit in opposition to motion for summary judgment that was self-serving and unsupported was insufficient to raise a genuine issue). Here, Pelican’s affidavit identified specific categories of disputed charges and billing periods.

Thus, upon *de novo review*, we find that Pelican’s affidavit raises genuine issues of material fact as to the amount allegedly due to EJGH. Accordingly, we find no error in the trial court’s judgment denying EJGH’s motion for summary judgment motion.

Gretna, Louisiana, this 21st day of May, 2026.

SUS
SJW
JJM

SUSAN M. CHEHARDY
CHIEF JUDGE

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

JUDGES



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CURTIS B. PURSELL
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FIRST DEPUTY CLERK

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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 **05/21/2026** 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-214

E-NOTIFIED

24th Judicial District Court (Clerk)
Hon. Raymond S. Steib, Jr. (DISTRICT JUDGE)
Daniel G. Collarini (Respondent)

Walter R. Woodruff, Jr. (Relator)

MAILED

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