

KAYLA NEVILLE

NO. 24-C-342

VERSUS

FIFTH CIRCUIT

JOHN W. REDMANN, LAW OFFICE OF  
JOHN W. REDMANN, AND XYZ  
INSURANCE COMPANY

COURT OF APPEAL  
STATE OF LOUISIANA

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



Linda Wiseman  
First Deputy, Clerk of Court

September 04, 2024

Linda Wiseman  
First Deputy Clerk

**IN RE** KAYLA M. NEVILLE

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**APPLYING FOR** SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE STEPHEN D. ENRIGHT, JR., DIVISION "N", NUMBER 816-050

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Panel composed of Judges Marc E. Johnson,  
Scott U. Schlegel, and Timothy S. Marcel

### **WRIT DENIED**

Plaintiff, Kayla Neville, seeks review of the trial court's June 12, 2024 judgment denying her Renewed Motion for Partial Summary Judgment. Plaintiff filed this legal malpractice action against defendants, John Redmann and the Law Office of John Redmann, alleging that the medical review panel request that defendants filed on her behalf was untimely. In the sole assignment of error raised in her writ application, plaintiff asserts that the trial court erred by failing to rule that defendants were "the only parties who acted negligently, and thus, were solely liable to Plaintiff for the untimely filing of the Request for a Medical Review Panel against Dr. Felix Savoie." Plaintiff further contends that defendants are the sole cause of her damages and should be held liable as a matter of law.

Plaintiff bases her request for partial summary judgment primarily on her position that this Court's prior ruling in *In Re Medical Review Panel for Claim of Kayla Marles Neville*, 20-127 (La. App. 5 Cir. 6/30/20) (unpublished writ decision), *writ denied*, 20-968 (La. 11/4/20), 303 So.3d 648, which granted Dr. Savoie's exception for prescription in the underlying medical malpractice action, establishes defendants' liability for legal malpractice as a matter of law. It does not. This Court previously addressed and rejected this argument in our decision reversing the trial court's judgment granting plaintiff's original motion for partial summary judgment in *Neville v. Redmann*, 22-175 (La. App. 5 Cir. 12/31/22), 356 So.3d 568, *writ denied*, 23-126 (La. 4/4/23), 358 So.3d 861. Furthermore, following our *de novo* review,

we find that the trial court did not err by concluding that genuine issues of material fact exist which preclude partial summary judgment in this matter.

Accordingly, this writ application is denied.<sup>1</sup>

Gretna, Louisiana, this 4th day of September, 2024.

**SUS  
MEJ  
TSM**

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<sup>1</sup> We further observe that plaintiff's writ application failed to provide all attachments required by Uniform Rules – Courts of Appeal Rule 4-5, including a copy of the trial court's judgment, plaintiff's renewed motion for partial summary judgment, and defendants' opposition and exhibits. We were only able to review these items because defendants attached them to their opposition to the writ application.

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  
CLERK OF COURT

SUSAN S. BUCHHOLZ  
CHIEF DEPUTY CLERK

LINDA M. WISEMAN  
FIRST DEPUTY CLERK

MELISSA C. LEDET  
DIRECTOR OF CENTRAL STAFF

(504) 376-1400  
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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 **09/04/2024** 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

**24-C-342**

**E-NOTIFIED**

24th Judicial District Court (Clerk)

Honorable Stephen D. Enright, Jr. (DISTRICT JUDGE)

John O. Pieksen, Jr. (Relator)

Melissa M. Lessell (Respondent)

Michael G. Bagneris (Relator)

Karen P. Holland (Respondent)

Beverly A. Delaune (Respondent)

**MAILED**

Zackory K. Wood (Respondent)

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