

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

DESMOND LEWIS AND JOY
SIMMONS, INDIVIDUALLY AND ON
BEHALF THEIR MINOR DAUGHTER,
JANIYAH LEWIS

NO. 2026 CW 0787

VERSUS

DR. JEFFREY DEYO; OUR LADY
OF THE LAKE PHYSICIAN GROUP,
LLC D/B/A OUR LADY OF THE
LAKE PHYSICIAN GROUP -
PEDIATRIC HEMATOLOGY AND
ONCOLOGY; AND ST. JUDE
CHILDREN'S RESEARCH
HOSPITAL, INC

JULY 16, 2026

In Re: Dr. Jeffrey Deyo and Our Lady of the Lake Physician
Group, LLC, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge, No.
7150572.

BEFORE: PENZATO, MILLER, GREENE, BALFOUR, AND FIELDS, JJ.

WRIT DENIED.

SMM
KEB
WEF

Penzato and Greene, JJ., dissent and would grant the writ. We would reverse the trial court's June 15, 2026 ruling which denied defendants' motion to strike plaintiffs' expert, Elizabeth Peralta. Pursuant to the case management schedule signed by the court, the plaintiffs' deadline to provide expert reports was October 30, 2024. Plaintiffs provided Elizabeth Peralta's expert report to defendants on April 16, 2026, approximately eighteen months after the deadline. Production of the report only three months prior to trial, while allowing time for the deposition of the expert, prejudiced the defendants by hampering their efforts to retain their own expert on the subject matter. Louisiana Code of Civil Procedure article 1551 provides: "If a party's attorney fails to obey a pretrial order, . . . the court, on its own motion or on the motion of a party, after hearing, may make orders as are just, including the orders provided in Article 1471(A)(2)", which includes an order prohibiting the disobedient party from introducing designated matters in evidence. Accordingly, we find the trial court abused its discretion in denying the motion to strike, and we would grant defendants' motion to strike plaintiffs' expert, Elizabeth Peralta.

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DEPUTY CLERK OF COURT
FOR THE COURT