

2016 Regular Session

HOUSE BILL NO. 36

BY REPRESENTATIVE CHAD BROWN

APPROPRIATIONS/JUDGMENT: Appropriates funds for payment of judgment against the DOTD in the matter of "Kayla Schexnayder and Emily Lagarde v. State of Louisiana, Department of Transportation and Development"

1 AN ACT

2 To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 2016-  
3 2017 to be used to pay the consent judgment in the suit entitled "Kayla Schexnayder  
4 and Emily Lagarde v. State of Louisiana, Department of Transportation and  
5 Development"; to provide for interest; to provide for court costs; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. A. The sum of Seven Hundred Ten Thousand Six Hundred Ninety-Three  
9 and 47/100 (\$710,693.47) Dollars, plus six percent (6%) interest from May 29, 2008,  
10 through November 13, 2013, plus judicial interest from November 14, 2013, until paid, plus  
11 expert fees in the amount of Eighteen Thousand One Hundred Ninety and 01/100  
12 (\$18,190.01) Dollars, in favor of plaintiff, Kayla Schexnayder, is hereby appropriated out  
13 of the General Fund of the state of Louisiana for Fiscal Year 2016-2017 to be used to pay  
14 the amended judgment in the suit entitled "Kayla Schexnayder and Emily Lagarde v. State  
15 of Louisiana, Department of Transportation and Development", bearing Number 31,002 on  
16 the docket of the Twenty-Third Judicial District Court, parish of Assumption, state of  
17 Louisiana.

18 B. From the above monetary award amount payable to Kayla Schexnayder, the  
19 amount of Four Thousand Six Hundred Ten and 15/100 (\$4,610.15) Dollars shall be paid to  
20 the Department of Health and Hospitals for Medicaid reimbursement in the suit entitled

1 "Kayla Schexnayder and Emily Lagarde v. State of Louisiana, Department of Transportation  
2 and Development", bearing Number 31,002 on the docket of the Twenty-Third Judicial  
3 District Court, parish of Assumption, state of Louisiana.

4 C. Monies awarded in this judgment to Kayla Schexnayder for future medical  
5 expenses shall be payable from the Future Medical Care Fund established pursuant to R.S.  
6 39:1533.2. Payment for such future medical expenses shall be paid directly to the medical  
7 provider as they are incurred pursuant to R.S. 13:5106(B)(3)(c).

8 Section 2.A. The sum of Three Hundred Fifty-Seven Thousand Three Hundred  
9 Eleven and No/100 (\$357,311.00) Dollars, plus six percent (6%) interest from May 29, 2008,  
10 through November 13, 2013, plus judicial interest from November 14, 2013, until paid, plus  
11 expert fees in the amount of Fourteen Thousand Three Hundred Fifty and 28/100  
12 (\$14,350.28) Dollars, in favor of plaintiff, Emily Lagarde, is hereby appropriated out of the  
13 General Fund of the state of Louisiana for Fiscal Year 2016-2017 to be used to pay the  
14 amended judgment in the suit entitled "Kayla Schexnayder and Emily Lagarde v. State of  
15 Louisiana, Department of Transportation and Development", bearing Number 31,002 on the  
16 docket of the Twenty-Third Judicial District Court, parish of Assumption, state of Louisiana.

17 B. Monies awarded in this judgment to Emily Lagarde for future medical expenses  
18 shall be payable from the Future Medical Care Fund established pursuant to R.S. 39:1533.2.  
19 Payment for such future medical expenses shall be paid directly to the medical provider as  
20 they are incurred pursuant to R.S. 13:5106(B)(3)(c).

21 Section 3.A. The sum of Four Thousand Five Hundred Twenty-Five and 86/100  
22 (\$4,525.86) Dollars, in favor of the Assumption Parish Clerk of Court, is hereby  
23 appropriated out of the General Fund of the state of Louisiana for Fiscal Year 2016-2017 to  
24 be used to pay plaintiff's court costs in the suit entitled "Kayla Schexnayder and Emily  
25 Lagarde v. State of Louisiana, Department of Transportation and Development", bearing  
26 Number 31,002 on the docket of the Twenty-Third Judicial District Court, parish of  
27 Assumption, state of Louisiana.

28 B. The sum of Four Hundred Forty-Four and 86/100 (\$444.86) Dollars, in favor of  
29 the State of Louisiana Division of Administration, Office of Risk Management is hereby  
30 appropriated out of the General Fund of the state of Louisiana for Fiscal Year 2016-2017 to

1 reimburse the Office of Risk Management for a portion of plaintiff's court costs previously  
2 advanced in this matter.

3 Section 4. The judgment provided for in Sections 1 and 2 hereof shall be deemed to  
4 have been paid on the effective date of this Act and legal interest shall cease to run as of that  
5 date.

6 Section 5. This Act shall become effective on July 1, 2016; if vetoed by the governor  
7 and subsequently approved by the legislature, this Act shall become effective on July 1,  
8 2016, or on the day following such approval by the legislature, whichever is later.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 36 Original

2016 Regular Session

Chad Brown

Appropriates from the state general fund for FY 16-17 the sum of \$710,693.47 in favor of the plaintiff Kayla Schexnayder, less amounts due to the Department of Health and Hospitals for Medicaid reimbursement, plus the sum of \$357,311 in favor of the plaintiff Emily Lagarde, plus interest and costs, to pay the amended judgment in "Kayla Schexnayder and Emily Lagarde v. State of Louisiana, Department of Transportation and Development", bearing Number 31,002 on the docket of the 23<sup>RD</sup> JDC, parish of Assumption.

Effective July 1, 2016.