

SUPREME COURT OF LOUISIANA

No. 2010-C-0800

AGILUS HEALTH (ALLISON TAYLOR)
Plaintiff-Appellee

VERSUS

ACCOR LODGING NORTH AMERICA AND
LIBERTY MUTUAL INSURANCE COMPANY
Defendants-Appellants

ON WRIT OF CERTIORARI FROM
THE LOUISIANA COURT OF APPEAL,
THIRD CIRCUIT, NO. 09-01049
AND THE OFFICE OF WORKERS' COMPENSATION, DISTRICT 02, NO. 08-05824
HEARING OFFICER JAMES BRADDOCK, PRESIDING

MOTION AND ORDER FOR LEAVE TO FILE ORIGINAL AMICUS CURIAE BRIEF
ON BEHALF OF AMERICAN ASSOCIATION OF INDEPENDENT CLAIMS
PROFESSIONALS SUPPORTING REVERSAL OF THE DECISION OF THE
LOUISIANA COURT OF APPEAL, THIRD CIRCUIT

Respectfully submitted,
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Attorneys for AMERICAN ASSOCIATION OF
INDEPENDENT CLAIMS PROFESSIONALS

NOW INTO COURT, through undersigned counsel, comes American Association of Independent Claims Professionals ("AAICP"), requesting leave to file its amicus curiae brief supporting reversal of the ruling of the Louisiana Third Circuit Court of Appeal opinion which affirmed the decision of the trial court. AAICP submits that it should be granted leave to file this brief as amicus curiae as it, through its members, has an interest in some other case involving a similar question; there are matters of fact or law that might otherwise escape the court's attention if it is not granted leave to file; and that it, through its members, has substantial, legitimate interests that will likely be affected by the outcome of the case and which interests will not be adequately protected by those already party to the case. More particularly, the AAICP is a trade group of independent adjusters and third party administrators for workers' compensation claims, among other types of claims. Many of the members of AAICP have clients against whom cases similar to the case at bar have been brought. Although third party administrators, like the members of the AAICP are generally not amenable to suit before the Office of Workers' Compensation in Louisiana, the third party administrators have an interest in cases similar to the case at bar because often times, the liability for penalties and attorney fees in such cases ultimately rests upon third party administrators based upon contractual arrangements between the third party administrators and their clients-employers, which are the actual parties to such suits. Accordingly, the AAICP, through its members, does have an interest in a number of the cases similar to the case at bar, which have been filed in Louisiana, even though the AAICP, or its members, are not actual parties to such suits, and the interest of the members of AAICP will be affected by the outcome of this Honorable Court's decision in this case. Moreover, as the parties who ultimately may be responsible for the claims for penalties and attorney fees in cases similar to the case at bar, but who are not actual parties to such cases, the interests of third party administrators may not be adequately represented in this case by the parties to this case, and similar cases. For the foregoing reasons, the American Association of Independent Claims Professionals submits that it should be granted leave to file the enclosed Original Amicus Curiae Brief on behalf of American Association of Independent Claims Professionals Supporting Reversal of the Decision of the Louisiana Court of Appeal, Third Circuit.

Considering the foregoing:

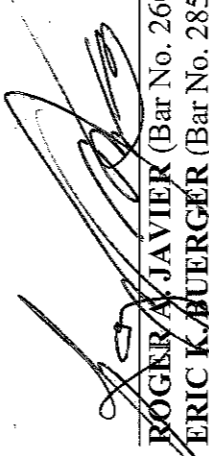
IT IS ORDERED that the Motion for Leave is granted and American Association of Independent Claims Professionals may file the enclosed Original Amicus Curiae Brief on behalf of

American Association of Independent Claims Professionals Supporting Reversal of the Decision of
the Louisiana Court of Appeal, Third Circuit.

New Orleans, Louisiana, this ____ day of _____, 2010.

JUSTICE, LOUISIANA SUPREME COURT

Respectfully submitted,


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VERIFICATION

Roger A. Javier, a resident of the Parish of Orleans, State of Louisiana, and a person of the full age of majority, who being first duly sworn by me, did depose and say:

He is an attorney for amicus curiae, American Association of Independent Claims Professionals, in the above and foregoing, that all of the allegations contained herein are true and accurate and that a copy of this Motion has been mailed to the following:

Honorable James Braddock
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3724 Government St., Suite 114
Alexandria, LA71302

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And
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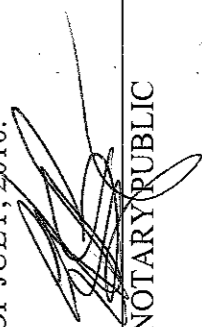
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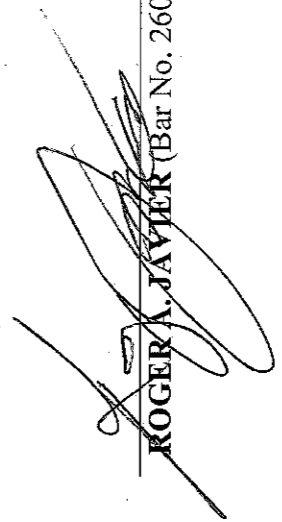
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This 15th day of July, 2010.

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 15th DAY
OF JULY, 2010.



NOTARY PUBLIC



ROGER A. JAVIER (Bar No. 26056)