

# KEOGH, COX & WILSON, LTD.

ATTORNEYS AT LAW

STEPHEN R. WILSON  
JOHN P. WOLFF, III\*  
STEVEN C. JUDICE  
ANDREW BLANCHFIELD  
EDWARD F. STAUSS, III  
KIRK L. LANDRY\*  
GRACELLA SIMMONS  
NANCY B. GILBERT  
COLLIN J. LEBLANC  
CHAD A. SULLIVAN, R.N., J.D.++  
CHRISTOPHER K. JONES  
MARY ANNE WOLF\*\*

701 MAIN STREET (70802)  
P.O. BOX 1151  
BATON ROUGE, LOUISIANA 70821  
(225) 383-3796  
FAX (225) 343-9612  
Email: [jwolff@kcwlaw.com](mailto:jwolff@kcwlaw.com)  
[mthompson@kcwlaw.com](mailto:mthompson@kcwlaw.com)

RENEE C. WILLIS\*  
HOLLY C. HARGROVE  
TORI S. BOWLING  
TIFFANY N. THORNTON  
MICHAEL M. THOMPSON  
REBECCA H. KLAR  
VIRGINIA J. McLIN

---

**SPECIAL COUNSEL**  
ANDREW J. Hodges IV

---

**OF COUNSEL:**  
JOHN R. KEOGH  
JOHN E. COX  
STEPHEN M. WHITLOW

**April 23, 2008**

**VIA EMAIL - [drm@asipp.org](mailto:drm@asipp.org)**

\*LICENSED IN LOUISIANA & TEXAS  
++REGISTERED NURSE  
\*\* REGISTERED ELECTRICAL ENGINEER

Laxmaiah Manchikanti, MD  
Chief Executive Officer, ASIPP and SIPMS

RE: Spine Diagnostics Center of Baton Rouge, Inc. v. Louisiana State Board of Nursing; Suit No. 536,009-AD@; 19<sup>th</sup> JDC, Parish of East Baton Rouge  
1<sup>st</sup> Circuit Suit No. 2006-CW-0554  
Our File No. 999.22305 (ASIPP)

Dear Dr. Manchikanti:

Please let this correspondence serve as a status report in connection with the above-captioned matter. The following will serve to outline the subjects covered by this report:

- *OVERVIEW OF DEVELOPMENTS*
- *RECOMMENDATIONS FOR FURTHER HANDLING*
- *GENERAL COMMENTS*

Should you have any questions with regard to any of the above topics, please do not hesitate to contact me.

## **OVERVIEW OF DEVELOPMENTS**

On April 16, 2008, the Louisiana First Circuit Court of Appeal denied LSBN's request for a stay and suspensive appeal. As a result, the permanent injunction issued by the trial court on January 17, 2008 is now enforceable although the appeal will continue. Presently, the LSBN is prohibited from enforcing its advisory opinion. The LSBN shall also remove the opinion from its website and post the judgment of the court on the website and in the LSBN publication, *The Examiner*.

Laxmaiah Manchikanti, MD  
April 23, 2008  
Page 2

A review of the LSBN website reveals that it has complied with the trial court injunction and removed the advisory opinion from its website. It appears that the LSBN has not posted the trial court's judgment on the website as of this date. We will continue to monitor for compliance with this portion of the injunction and take all necessary steps towards enforcement.

All defendants were granted devolutive appeal of the Trial Court's judgment. As a result, we are awaiting appeal briefs on their behalf. Once these are received, we will report and assess available defenses. However, in large measure, our appeal opposition will focus on the argument that the trial court's judgment was not erroneous.

### **RECOMMENDATIONS FOR FURTHER HANDLING**

In light of the recent developments, I recommend the following action in connection with the defense of this claim:

- Monitor LSBN's website for compliance with permanent injunction;
- Oppose defendants' appeal; and,
- Formulate additional appeal strategy.

After you have had an opportunity to review this correspondence, I look forward to your instructions with respect to further handling.

### **GENERAL COMMENTS**

In general, we offer this overview of developments in the above-captioned matter. The CRNA's efforts have proven unsuccessful up to this point. As a result, they are currently prohibited from performing interventional pain management and the LSBN is barred from allowing this performance. We will continue to monitor this action to confirm LSBN's compliance with the permanent injunction and prepare to oppose the appeal by all defendants.

In the meantime, should you have any questions or comments please contact our office.

Laxmaiah Manchikanti, MD  
April 23, 2008  
Page 3

With kindest personal regards, we remain

Very truly yours,  
**KEOGH COX & WILSON, LTD**

A handwritten signature in black ink, reading "John P. Wolff, III". The signature is written in a cursive style with a prominent flourish at the end.

JOHN P. WOLFF, III  
MICHAEL M. THOMPSON