

OFFICIAL DOCKET

COURT OF APPEAL, FIFTH CIRCUIT

STATE OF LOUISIANA

101 DERBIGNY STREET, GRETNA, LOUISIANA

MONDAY, JANUARY 6, 2014

COURT CONVENES AT: 10:00 AM

**13-CA-614 C/W
13-CA-615**

SHELLY E. GOUTIERREZ
VERSUS
ST. PAUL INSURANCE COMPANY, KENNER POLICE DEPARTMENT,
WILLIAM D. CAMPBELL, AND STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY
C/W
JULIA GOUTIERREZ
VERSUS
ST. PAUL INSURANCE COMPANY, KENNER POLICE DEPARTMENT,
WILLIAM D. CAMPBELL, AND STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

Andrew A. Lemmon, Irma L. Netting & Brian D. Katz, for Plaintiff-Appellant
Patricia S. LeBlanc & Deborah A. Villio, for Defendant-Appellee

13-KA-558

STATE OF LOUISIANA
VERSUS
JARROD HENRY

Terry M. Boudreaux, for Plaintiff-Appellee
Prentice L. White, for Defendant-Appellant

13-KA-640

STATE OF LOUISIANA
VERSUS
NAKEITH C. SPARKMAN

Terry M. Boudreaux, for Plaintiff-Appellee
Mary Constance Hanes, for Defendant-Appellant

13-KA-453

STATE OF LOUISIANA
VERSUS
CODY SMOOT

Terry M. Boudreaux, for Plaintiff-Appellee
Jane L. Beebe, for Defendant-Appellant

IMPORTANT NOTICE REGARDING ORAL ARGUMENT

* Indicates no oral argument. As provided by Rules 2-11.4 and 2-12.12, Uniform Rules - Courts of Appeal, in all cases the right to oral argument shall be forfeited unless a written request for permission to so argue is filed in the Clerk's office within 30 days after the filing of the record in this Court and such permission is granted and, in addition, unless a brief is filed timely. **Complete Docket available at www.fifthcircuit.org.**

Americans with Disabilities Persons who require reasonable accommodation to participate in this proceeding, may be entitled to provision of certain assistance at no cost. Contact the Court's ADA Coordinator at 504-376-1400; or via the LA Relay Ctr. TDD/TTY 1-800-846-5277, voice 1-800-947-5277, within ten working days of the date below.

OFFICIAL DOCKET
COURT OF APPEAL, FIFTH CIRCUIT
STATE OF LOUISIANA
101 DERBIGNY STREET, GRETNA, LOUISIANA

MONDAY, JANUARY 6, 2014

COURT CONVENES AT: 10:00 AM

13-KA-656

STATE OF LOUISIANA
VERSUS
JOSEPH SIGGIO, III

Terry M. Boudreaux, for Plaintiff-Appellee
Bruce G. Whittaker, for Defendant-Appellant

IMPORTANT NOTICE REGARDING ORAL ARGUMENT

* Indicates no oral argument. As provided by Rules 2-11.4 and 2-12.12, Uniform Rules - Courts of Appeal, in all cases the right to oral argument shall be forfeited unless a written request for permission to so argue is filed in the Clerk's office within 30 days after the filing of the record in this Court and such permission is granted and, in addition, unless a brief is filed timely. **Complete Docket available at www.fifthcircuit.org.**

Americans with Disabilities Persons who require reasonable accommodation to participate in this proceeding, may be entitled to provision of certain assistance at no cost. Contact the Court's ADA Coordinator at 504-376-1400; or via the LA Relay Ctr. TDD/TTY 1-800-846-5277, voice 1-800-947-5277, within ten working days of the date below.

OFFICIAL DOCKET

COURT OF APPEAL, FIFTH CIRCUIT

STATE OF LOUISIANA

101 DERBIGNY STREET, GRETNA, LOUISIANA

MONDAY, JANUARY 6, 2014

COURT CONVENES AT: 10:00 AM

***13-CA-674**

G. A. LOTZ COMPANY, LTD

VERSUS

LOUIS J. ALACK, GREG J. ALACK, ALACK REFRIGERATION COMPANY, INC.,
LOTZ CULINARY EQUIPMENT & SUPPLIES, INC.

Edward A. Rodrigue, Jr., for Plaintiff-Appellee

Douglas T. Curet & Rick A. Singer, for Defendant-Appellant

13-KA-723

STATE OF LOUISIANA

VERSUS

WILLIE FRANKLIN

Terry M. Boudreaux, for Plaintiff-Appellee

Margaret S. Sollars, for Defendant-Appellant

IMPORTANT NOTICE REGARDING ORAL ARGUMENT

* Indicates no oral argument. As provided by Rules 2-11.4 and 2-12.12, Uniform Rules - Courts of Appeal, in all cases the right to oral argument shall be forfeited unless a written request for permission to so argue is filed in the Clerk's office within 30 days after the filing of the record in this Court and such permission is granted and, in addition, unless a brief is filed timely. **Complete Docket available at www.fifthcircuit.org.**

Americans with Disabilities Persons who require reasonable accommodation to participate in this proceeding, may be entitled to provision of certain assistance at no cost. Contact the Court's ADA Coordinator at 504-376-1400; or via the LA Relay Ctr. TDD/TTY 1-800-846-5277, voice 1-800-947-5277, within ten working days of the date below.

TUESDAY, JANUARY 7, 2014

COURT CONVENES AT: 10:00 AM

13-CA-508

C/W

13-CA-730

JEFFERSON PARISH HOSPITAL DISTRICT NO. 1 D/B/A WEST JEFFERSON
MEDICAL CENTER

VERSUS

K & B LOUISIANA CORPORATION AND RITE AID HEADQUARTERS
CORPORATION

C/W

JEFFERSON PARISH HOSPITAL DISTRICT #1 D/B/A WEST JEFFERSON MEDICAL
CENTER

VERSUS

K & B LOUISIANA CORPORATION & RITE AID HEADQUARTERS CORPORATION

Peter J. Butler, Jr., & Richard G. Passler, & Susan F. Drogin, for Plaintiff-Appellant
Alex P. Tilling, & George D. Fagan, for Defendant-Appellee

***13-CA-350**

DANIEL AND ROXANNE SEGHERS

VERSUS

LAPLACE EQUIPMENT COMPANY, INC., COLONY SPECIALTY INSURANCE
COMPANY, STONEAGE, INC., AND XYZ INSURANCE COMPANY

Matthew J. Ungarino, for Plaintiff-Appellant

Laken N. Davis, for Defendant-Appellee

Corey P. Parenton, for Defendant-Appellee

Kristina L. Junot, for Intervenor-Appellee

13-KA-673

STATE OF LOUISIANA

VERSUS

ENRIQUE RIVERA A/K/A RICKY RIVERA

Terry M. Boudreaux, for Plaintiff-Appellee

Bruce G. Whittaker, for Defendant-Appellant

IMPORTANT NOTICE REGARDING ORAL ARGUMENT

* Indicates no oral argument. As provided by Rules 2-11.4 and 2-12.12, Uniform Rules - Courts of Appeal, in all cases the right to oral argument shall be forfeited unless a written request for permission to so argue is filed in the Clerk's office within 30 days after the filing of the record in this Court and such permission is granted and, in addition, unless a brief is filed timely. **Complete Docket available at www.fifthcircuit.org.**

Americans with Disabilities Persons who require reasonable accommodation to participate in this proceeding, may be entitled to provision of certain assistance at no cost. Contact the Court's ADA Coordinator at 504-376-1400; or via the LA Relay Ctr. TDD/TTY 1-800-846-5277, voice 1-800-947-5277, within ten working days of the date below.

OFFICIAL DOCKET

COURT OF APPEAL, FIFTH CIRCUIT

STATE OF LOUISIANA

101 DERBIGNY STREET, GRETNA, LOUISIANA

TUESDAY, JANUARY 7, 2014

COURT CONVENES AT: 10:00 AM

**13-CA-332 C/W
13-CA-333 & 13-CA-334**

GINA WILTZ, WIFE OF, AND TIMOTHY WILTZ, ON BEHALF OF THEIR MINOR SON, R. W.
VERSUS
BROTHERS PETROLEUM, L.L.C., MERAUX FOOD STORE, INC., ALEX CHEVRON, INC., WINN DIXIE MONTGOMERY, INC., BOGUE CHITTO CANOEING AND TUBING CENTER, INC., AND INFINITY INSURANCE COMPANY
C/W
TINA TOMMASEO
VERSUS
BROTHERS PETROLEUM, L.L.C., MERAUX FOOD STORES, INC., ALEX CHEVRON, INC., WINN DIXIE MONTGOMERY, INC., BOGUE CHITTO CANOEING AND TUBING CENTER, INC.
C/W
GLEN GABB AND CYNTHIA GABB, INDIVIDUALLY AND ON BEHALF OF THEIR DECEASED DAUGHTER, R. G.
VERSUS
BROTHERS PETROLEUM, L.L.C., MERAUX FOOD STORE, INC., ALEX CHEVRON, INC., WINN-DIXIE MONTGOMERY, INC. AND BOGUE CHITTO CANOEING AND TUBING CENTER, INC., BYRON LAFONTAINE AND TINA TOMASSEO, INDIVIDUALLY AND ON BEHALF OF THEIR DECEASED SON, B. L., REGAL INSURANCE COMPANY

Richard C. Trahan & Scott LaBarre, for Plaintiff-Appellee
Joyce D. Young, Richard A. Tonry, Michael C. Ginart, Jr., Kim C. Jones & William W. Hall, for Plaintiff-Appellee
Craig A. Gentry, for Plaintiff-Appellee
Robert E. Kerrigan, Jr., Isaac H. Ryan, Joseph L. McReynolds & David K. Groome, Jr., for Defendant-Appellant
John J. Glas, for Defendant-Appellant
Howard B. Kaplan, Stephen N. Elliott, Caroline D. Elliott & Jeanne M. Mauldin, for Defendant-Appellee-2nd Appellant
Martin E. Golden, for Intervenor-Appellee
Mitchell J. Hoffman & James T. Busenlener, for Defendant-Appellee
Robert J. Young, III, for Defendant-Appellee
R. Todd Musgrave, for Defendant-Appellee

13-CA-655

DANIEL KLIEBERT AND LEEANNE KLIEBERT
VERSUS
DAVID BREAUD, DOERLE FOOD SERVICES, LLC, STATE NATIONAL INSURANCE COMPANY, INC., AND LOUISIANA FARM BUREAU AND CASUALTY INSURANCE COMPANY

Kris A. Perret, for Plaintiff-Appellant
J. Konrad Jackson & Daniel W. Dilzell, for Defendant-Appellee

IMPORTANT NOTICE REGARDING ORAL ARGUMENT

* Indicates no oral argument. As provided by Rules 2-11.4 and 2-12.12, Uniform Rules - Courts of Appeal, in all cases the right to oral argument shall be forfeited unless a written request for permission to so argue is filed in the Clerk's office within 30 days after the filing of the record in this Court and such permission is granted and, in addition, unless a brief is filed timely. **Complete Docket available at www.fifthcircuit.org.**

Americans with Disabilities Persons who require reasonable accommodation to participate in this proceeding, may be entitled to provision of certain assistance at no cost. Contact the Court's ADA Coordinator at 504-376-1400; or via the LA Relay Ctr. TDD/TTY 1-800-846-5277, voice 1-800-947-5277, within ten working days of the date below.

OFFICIAL DOCKET
COURT OF APPEAL, FIFTH CIRCUIT
STATE OF LOUISIANA
101 DERBIGNY STREET, GRETNA, LOUISIANA

TUESDAY, JANUARY 7, 2014
COURT CONVENES AT: 10:00 AM

13-KA-639

STATE OF LOUISIANA
VERSUS
KEITH STEWART

Terry M. Boudreaux, for Plaintiff-Appellee
Bruce G. Whittaker, for Defendant-Appellant

IMPORTANT NOTICE REGARDING ORAL ARGUMENT

* Indicates no oral argument. As provided by Rules 2-11.4 and 2-12.12, Uniform Rules - Courts of Appeal, in all cases the right to oral argument shall be forfeited unless a written request for permission to so argue is filed in the Clerk's office within 30 days after the filing of the record in this Court and such permission is granted and, in addition, unless a brief is filed timely. **Complete Docket available at www.fifthcircuit.org.**

Americans with Disabilities Persons who require reasonable accommodation to participate in this proceeding, may be entitled to provision of certain assistance at no cost. Contact the Court's ADA Coordinator at 504-376-1400; or via the LA Relay Ctr. TDD/TTY 1-800-846-5277, voice 1-800-947-5277, within ten working days of the date below.

OFFICIAL DOCKET

COURT OF APPEAL, FIFTH CIRCUIT

STATE OF LOUISIANA

101 DERBIGNY STREET, GRETNA, LOUISIANA

WEDNESDAY, JANUARY 8, 2014

COURT CONVENES AT: 10:00 AM

13-CA-663

MARIE B. RHODES, WIFE OF/AND RONALD ANTHONY RHODES, SR.
VERSUS
TRISTAN R. SCHULTIS, M.D.

R. Ray Orrill, Jr. & Leslie A. Cordell, for Plaintiff-Appellant
Deborah Deo Gracias Trahan & Emily G. Couvillon, for Defendant-Appellee

13-CA-704

MATTHEW MASON & PAULA MASON
VERSUS
BANKERS INSURANCE GROUP

John M. Fezio & William D. Treeby, for Plaintiff-Appellant
Matthew J. Ungarino, Emile A. Bagneris, III & David I. Bordelon, for Defendant-Appellee

13-CA-620

JOHN B. WELLS
VERSUS
TIMOTHY FANDAL, CHAIRMAN FOR ALLIANCE FOR GOOD GOVERNMENT,
ALLIANCE FOR GOOD GOVERNMENT, BOARD OF DIRECTORS, ALLIANCE FOR
GOOD GOVERNMENT, ALLIANCE FOR GOOD GOVERNMENT, INC.

Robert T. Lorio, for Plaintiff-Appellant
Carolyn B. Hennesy & Jacque R. Touzet, for Defendant-Appellee

13-KA-618

STATE OF LOUISIANA
VERSUS
MORRIS PATIN

Terry M. Boudreaux, for Plaintiff-Appellee
Mary E. Roper, for Defendant-Appellant

IMPORTANT NOTICE REGARDING ORAL ARGUMENT

* Indicates no oral argument. As provided by Rules 2-11.4 and 2-12.12, Uniform Rules - Courts of Appeal, in all cases the right to oral argument shall be forfeited unless a written request for permission to so argue is filed in the Clerk's office within 30 days after the filing of the record in this Court and such permission is granted and, in addition, unless a brief is filed timely. **Complete Docket available at www.fifthcircuit.org.**

Americans with Disabilities Persons who require reasonable accommodation to participate in this proceeding, may be entitled to provision of certain assistance at no cost. Contact the Court's ADA Coordinator at 504-376-1400; or via the LA Relay Ctr. TDD/TTY 1-800-846-5277, voice 1-800-947-5277, within ten working days of the date below.

OFFICIAL DOCKET

**COURT OF APPEAL, FIFTH CIRCUIT
STATE OF LOUISIANA**

101 DERBIGNY STREET, GRETNA, LOUISIANA

WEDNESDAY, JANUARY 8, 2014

COURT CONVENES AT: 10:00 AM

**13-CA-598 C/W
13-CA-599**

SUCCESSION OF YOLANDE MILLS, WIDOW OF DR. MILTON B. MARY, SR.
C/W
MILTON MARY, JR.
VERSUS
YOLANDE MARY VULEVICH AND SONIAT REALTY, INC.

Gregory J. St. Angelo, for Plaintiff-Appellee
Kurt C. Garcia, for Defendant-Appellant
Gary J. Giepert, Jack A. Ricci & Lisa A. McLachlan, for Defendant-Appellee

**13-CA-486
C/W
13-CA-487**

TIMOTHY G. MORALES, ET AL
VERSUS
THE PARISH OF JEFFERSON AND REDFLEX TRAFFIC SYSTEMS, INC.
C/W
EARL J. FALGOUST AND KATHY MCMENAMIN INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS SIMILARLY SITUATED
VERSUS
THE PARISH OF JEFFERSON AND REDFLEX TRAFFIC SYSTEMS, INC.

Robert E. Arceneaux, Galen S. Brown, Wiley J. Beevers, Raylyn R. Beevers, Steven M. Mauterer & Hon. Pascal F. Calogero, Jr., for Plaintiff-Appellant
Joseph R. McMahon, III & Anthony S. Maska, for Plaintiff-Appellee-2nd Appellant
Craig R. Watson, Guice A. Giambrone, III & Kelly M. Brian, for Defendant-Appellee
Dominic J. Gianna, Michele D. Allen-Hart, Alan D. Weinberger & Hal D. Ungar, for Defendant-Appellee

13-KA-634

STATE OF LOUISIANA
VERSUS
BRANDELL T. SCIE

Terry M. Boudreaux, for Plaintiff-Appellee
Margaret S. Sollars, for Defendant-Appellant

IMPORTANT NOTICE REGARDING ORAL ARGUMENT

* Indicates no oral argument. As provided by Rules 2-11.4 and 2-12.12, Uniform Rules - Courts of Appeal, in all cases the right to oral argument shall be forfeited unless a written request for permission to so argue is filed in the Clerk's office within 30 days after the filing of the record in this Court and such permission is granted and, in addition, unless a brief is filed timely. **Complete Docket available at www.fifthcircuit.org.**

Americans with Disabilities Persons who require reasonable accommodation to participate in this proceeding, may be entitled to provision of certain assistance at no cost. Contact the Court's ADA Coordinator at 504-376-1400; or via the LA Relay Ctr. TDD/TTY 1-800-846-5277, voice 1-800-947-5277, within ten working days of the date below.

OFFICIAL DOCKET
COURT OF APPEAL, FIFTH CIRCUIT
STATE OF LOUISIANA
101 DERBIGNY STREET, GRETNA, LOUISIANA

WEDNESDAY, JANUARY 8, 2014

COURT CONVENES AT: 10:00 AM

13-CA-658

ON LEONG CHINESE MERCHANTS ASSOCIATION
VERSUS
AKM ACQUISITIONS, L.L.C., AARON K. MOTWANI, AND MARCUS L. GUSTI

Kenneth C. Fonte, for Plaintiff-Appellant
Philip A. Gattuso, for Plaintiff-Appellee-2nd Appellant
Steven W. Copley & Phillip J. Antis, Jr., for Defendant-Appellee
Fred L. Herman, Thomas J. Barbera, Mayra L. Scheuermann, Wiley J. Beevers,
Raylyn R. Beevers, Shayna Lynn Beevers, Steven M. Mauterer & Jared M. Newchurch, for
Defendant-Appellee
William E. Wright, Jr. & Karen P. Holland, for Defendant-Appellee

IMPORTANT NOTICE REGARDING ORAL ARGUMENT

* Indicates no oral argument. As provided by Rules 2-11.4 and 2-12.12, Uniform Rules - Courts of Appeal, in all cases the right to oral argument shall be forfeited unless a written request for permission to so argue is filed in the Clerk's office within 30 days after the filing of the record in this Court and such permission is granted and, in addition, unless a brief is filed timely. **Complete Docket available at www.fifthcircuit.org.**

Americans with Disabilities Persons who require reasonable accommodation to participate in this proceeding, may be entitled to provision of certain assistance at no cost. Contact the Court's ADA Coordinator at 504-376-1400; or via the LA Relay Ctr. TDD/TTY 1-800-846-5277, voice 1-800-947-5277, within ten working days of the date below.

OFFICIAL DOCKET

**COURT OF APPEAL, FIFTH CIRCUIT
STATE OF LOUISIANA**

101 DERBIGNY STREET, GRETNA, LOUISIANA

WEDNESDAY, JANUARY 8, 2014

COURT CONVENES AT: 01:00 PM

13-CA-633

EVANGELIST W. KING AND JASON KING
VERSUS
PONTCHATRAIN MORTGAGE COMPANY, INC.; PONTCHATRAIN MORTGAGE
CORPORATION; MORTGAGE EQUITY, INC.; COMMERCIAL LENDERS AND
EQUITY, INC.; INDIVIDUALLY, OR D/B/A; TERRY P. LAFARGUE; BRUCE A.
MILLER AND A.B.C. INSURANCE COMPANY

Thomas A. Gennusa, II, Joseph S. Piacun & Reid S. Uzee, for Plaintiff-Appellant
Terry P. Lafargue - In Proper Person, for Defendant-Appellee
Gustave A. Fritchie, III, for Defendant-Appellee

13-KA-700

STATE OF LOUISIANA
VERSUS
THOMAS COX

Terry M. Boudreaux, for Plaintiff-Appellee
Gwendolyn K. Brown, for Defendant-Appellant

13-KA-699

STATE OF LOUISIANA
VERSUS
THOMAS COX

Terry M. Boudreaux, for Plaintiff-Appellee
Gwendolyn K. Brown, for Defendant-Appellant

IMPORTANT NOTICE REGARDING ORAL ARGUMENT

* Indicates no oral argument. As provided by Rules 2-11.4 and 2-12.12, Uniform Rules - Courts of Appeal, in all cases the right to oral argument shall be forfeited unless a written request for permission to so argue is filed in the Clerk's office within 30 days after the filing of the record in this Court and such permission is granted and, in addition, unless a brief is filed timely. **Complete Docket available at www.fifthcircuit.org.**

Americans with Disabilities Persons who require reasonable accommodation to participate in this proceeding, may be entitled to provision of certain assistance at no cost. Contact the Court's ADA Coordinator at 504-376-1400; or via the LA Relay Ctr. TDD/TTY 1-800-846-5277, voice 1-800-947-5277, within ten working days of the date below.

OFFICIAL DOCKET
COURT OF APPEAL, FIFTH CIRCUIT
STATE OF LOUISIANA
101 DERBIGNY STREET, GRETNA, LOUISIANA

WEDNESDAY, JANUARY 8, 2014

COURT CONVENES AT: 01:00 PM

13-CA-516

LIVE OAK HOMES CORPORATION
VERSUS
CARRIER SALES AND DISTRIBUTION, LLC AND MULTIAQUA, INC.

J. William Starr, for Plaintiff-Appellee
Joseph M. Guillot, for Defendant-Appellee
Michael A. Rosenblatt, for Defendant-Appellant

13-CA-641

CANAL/CLAIBORNE, LIMITED
VERSUS
STONEHEDGE DEVELOPMENT, LLC

David J. Halpern, Kathleen A. Manning & Michelle M. Roy, for Plaintiff-Appellee
Karen C. Yarbrough & Celia M. Williams-Alexander, for Defendant-Appellant

13-KA-616

STATE OF LOUISIANA
VERSUS
DERRICK FRANCOIS

Terry M. Boudreaux, for Plaintiff-Appellee
Kevin V. Boshea, for Defendant-Appellant

13-KA-564

STATE OF LOUISIANA
VERSUS
TRENT LYONS

Terry M. Boudreaux, for Plaintiff-Appellee
Frank Sloan, for Defendant-Appellant

13-KA-666

STATE OF LOUISIANA
VERSUS
ERIC L. JAMES

Terry M. Boudreaux, for Plaintiff-Appellee
Mary E. Roper, for Defendant-Appellant

IMPORTANT NOTICE REGARDING ORAL ARGUMENT

* Indicates no oral argument. As provided by Rules 2-11.4 and 2-12.12, Uniform Rules - Courts of Appeal, in all cases the right to oral argument shall be forfeited unless a written request for permission to so argue is filed in the Clerk's office within 30 days after the filing of the record in this Court and such permission is granted and, in addition, unless a brief is filed timely. **Complete Docket available at www.fifthcircuit.org.**

Americans with Disabilities Persons who require reasonable accommodation to participate in this proceeding, may be entitled to provision of certain assistance at no cost. Contact the Court's ADA Coordinator at 504-376-1400; or via the LA Relay Ctr. TDD/TTY 1-800-846-5277, voice 1-800-947-5277, within ten working days of the date below.