

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

---

**MONDAY, MARCH 10, 2014**

**COURT CONVENES AT: 10:00 AM**

**13-CA-815**

JESSYCA PORTILLO AND FRANCISCO ROMERO  
O/B/O THE MINOR CHILD, EMELY ROMERO  
VERSUS  
PROGRESSIVE PALOVERDE INSURANCE COMPANY D/B/A PROGRESSIVE  
INSURANCE COMPANY, ROBERT MASTERS, WALKER VOLKSWAGEN, INC. AND  
WAUSAU UNDERWRITERS D/B/A LIBERTY MUTUAL INSURANCE COMPANY  
  
Miguel A. Elias, Paul A. Deas, Christopher D. Weddle & Paula J. Rodriguez, for  
Plaintiff-Appellant  
Stacie J. Fitzpatrick, for Defendant-Appellee

**13-KA-701**

STATE OF LOUISIANA  
VERSUS  
SEAN GRIFFIN  
  
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](http://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, MARCH 10, 2014**

**COURT CONVENES AT: 10:00 AM**

**13-KA-908**

STATE OF LOUISIANA  
VERSUS  
JOHN E. SPELLMAN

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

**13-CA-776**

WILLIAM J. NEWTON AND ELAINE NEWTON  
VERSUS  
DR. GENE LEWIS DONGIEUX, SR. AND RHONDA BARRAS DONGIEUX

Carl A. Butler, for Plaintiff-Appellee  
Joshua S. Force, Dorothy S. W. Lawrence, Ashley G. Coker, Mark C. Morgan & Travis J. Causey, Jr., for Defendant-Appellant

**\*13-CA-801**

DR. JEFFREY BRUMBERGER  
VERSUS  
GERRY A. CVITANOVICH, M.D., KEITH J. LEBLANC & DR. JOHN KING

Bradley Egenberg, for Plaintiff-Appellant  
Patrick E. Costello & Trevor M. Cutaiar, for Defendant-Appellee

**12-CA-754**

WOODLANDS DEVELOPMENT, L.L.C., ANTHONY REGINELLI, JR., SHAUNA  
LANDRY REGINELLI, PETER R. STEUR, AND LEE R. STEUR  
VERSUS  
REGIONS BANK, SOUNDRA J. TEMPLE AND JOHNSON PROPERTY GROUP,  
L.L.C.

Todd R. Slack, Desmonde X. Bennett, Wiley J. Beevers & Steven M. Mauterer, for  
Plaintiff-Appellee  
John A. Dunlap, John P. Gaffney, William T. Finn, & Sarah E. Stogner, for  
Defendant-Appellant  
Paul G. Preston & Linda M. Uzee, for Defendant-Appellee  
E. John Litchfield & Antonio M. Clayton, 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](http://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, MARCH 10, 2014**

**COURT CONVENES AT: 10:00 AM**

**13-CA-802**

FIRST BANK AND TRUST  
VERSUS  
PROCTOR'S COVE II, LLC, MILTON GAGNON AND MICHAEL J. THOMPSON

Mark C. Landry & Wayne A. Maiorana, Jr., for Plaintiff-Appellee  
Keith Paul Gagnon, Defendant-Appellee, In Proper Person  
Stephen M. Smith, for Defendant-Appellant

**13-KA-885**

STATE OF LOUISIANA  
VERSUS  
NORMAN DEAN

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](http://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, MARCH 11, 2014**

**COURT CONVENES AT: 10:00 AM**

- 13-CA-814** BOARD OF TRUSTEES OF THE LOUISIANA ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH, SOUTHERN CENTRAL JURISDICTION  
VERSUS  
REVELATION KNOWLEDGE OUTREACH MINISTRY, LLC  
  
Charles E. McHale, Jr. & George K. Anding, Jr. for Plaintiff-Appellant  
Abril B. Sutherland, for Defendant-Appellee
- \*13-CA-793** PLACIDE J. JUMONVILLE, III  
VERSUS  
CITY OF KENNER AND KENNER MAYOR MICHAEL S. YENNI  
  
Jan P. Jumonville, for Plaintiff-Appellant  
Patricia S. LeBlanc & Deborah A. Villio, for Defendant-Appellee
- 13-KA-836** STATE OF LOUISIANA  
VERSUS  
DARNELL TURNER  
  
Terry M. Boudreaux, for Plaintiff-Appellee  
Brent A. Hawkins, for Defendant-Appellant
- \*13-KA-871** STATE OF LOUISIANA  
VERSUS  
CARL O. RABITO, SR.  
  
Hon. Joel T. Chaisson, II, for Plaintiff-Appellee  
Mark A. Marino, for Defendant-Appellant
- 13-KA-745** STATE OF LOUISIANA  
VERSUS  
ORLANDO YOUNG  
  
Terry M. Boudreaux, for Plaintiff-Appellee  
Prentice L. White, 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](http://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, MARCH 11, 2014**

**COURT CONVENES AT: 10:00 AM**

**13-KA-732**

STATE OF LOUISIANA  
VERSUS  
DONTE J. WILLIAMS

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](http://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, MARCH 11, 2014**

**COURT CONVENES AT: 10:00 AM**

**13-CA-781**

HAROLD E. MOLAISON AND DAVID C. LOEB  
VERSUS  
DAVID J. LUKINOVICH AND DAVID J. LUKINOVICH (A PROFESSIONAL  
CORPORATION)

William W. Hall & Jack E. Morris, for Plaintiff-Appellee  
James H. Gibson, Charles M. Kreamer, Sr., David J. Ayo, & E. John Litchfield, for  
Defendant-Appellant

**\*13-KA-672**

STATE OF LOUISIANA  
VERSUS  
JOHNELL MILTON

Hon. James D."Buddy" Caldwell, Terri R. Lacy, & Matthew B. Derbes, for Plaintiff-Appellee  
Margaret S. Sollars, for Defendant-Appellant

**13-CA-803**

BRENDA ROMANO  
VERSUS  
JEFFERSON PARISH SHERIFF'S OFFICE AND ANTHONY BENNETT

Anthony S. Taormina, for Plaintiff-Appellant  
Brad G. Theard, for Defendant-Appellee

**13-KA-662**

STATE OF LOUISIANA  
VERSUS  
AARON HARRELL

Terry M. Boudreaux, for Plaintiff-Appellee  
Frank Sloan, for Defendant-Appellant  
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](http://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, MARCH 12, 2014**

**COURT CONVENES AT: 10:00 AM**

**13-CA-835**

CHARLES COULON & JEANENE COULON

VERSUS

TERRY G. CREEL, M.D., KIRAN G. ZAVERI, M.D., DAN FERTEL, M.D., EAST  
JEFFERSON GENERAL HOSPITAL AUXILIARY, INC. AND EAST JEFFERSON  
GENERAL HOSPITAL FOUNDATION

James P. Nader, for Plaintiff-Appellant

C. William Bradley, Jr., & Benjamin J. Biller, for Defendant-Appellee

Ann M. LeBlanc, & Kathryn M. Caraway, for Defendant-Appellee

**13-CA-822**

JAMES A. PRICE

VERSUS

ANTOINETTE M. VALENTI, JEFFERSON PARISH HOSPITAL SERVICE DISTRICT  
NO. 2, CATLIN INSURANCE COMPANY, INC. AND GEICO GENERAL INSURANCE  
COMPANY

Jim S. Hall & Joseph W. Rausch, for Plaintiff-Appellant

Julian R. Murray, Jr., Jacqueline G. Griffith & Rebecca J. Beck, for Defendant-Appellee

L. Phillip Canova, Jr., for Defendant-Appellee

**13-KA-924**

STATE OF LOUISIANA

VERSUS

BYRON ROSS

Terry M. Boudreaux, for Plaintiff-Appellee

Prentice L. White, for Defendant-Appellant

**\*13-CA-859**

FREDDY FUENTES

VERSUS

VOIRON COMPANIES, LLC

Miguel A. Elias, for Plaintiff-Appellant

Voiron Companies, LLC, 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](http://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, MARCH 12, 2014

COURT CONVENES AT: 10:00 AM

13-CA-692

SEAN McCAFFERY  
VERSUS  
CHRISTI L. McCAFFERY

Brett A. Bonin, for Plaintiff-Appellant  
Bernadette R. Lee, Edith H. Morris & Suzanne E. Bayle, for Defendant-Appellee

\*13-KA-879

STATE OF LOUISIANA  
VERSUS  
ERIC GROS

Hon. Joel T. Chaisson, II and Matthew B. Derbes, for Plaintiff-Appellee  
Frederick J. Kroenke, Jr., for Defendant-Appellant

13-KA-848

STATE OF LOUISIANA  
VERSUS  
ROLANDO VARGAS

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](http://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**

---

**THURSDAY, MARCH 13, 2014**

**COURT CONVENES AT: 10:00 AM**

**13-CA-827**

NYKAREHA N. CLEMENT

VERSUS

NICOLE M. CARBON & HER UNKNOWN INSURANCE COMPANY, ABC  
INSURANCE COMPANY, FRANK CARBON AND HIS INSURANCE COMPANY,  
AND ALLSTATE PROPERTY & CASUALTY INSURANCE COMPANY, AND STATE  
FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, AS THE  
UNINSURER/UNDERINSURED INSURANCE CARRIER AND JOVAN CLEMENT

Fred R. DeFrancesch, Tomy J. Acosta & James A. Harry, for Plaintiff-Appellant  
Matthew M. Friedman, for Defendant-Appellee

**13-CA-823**

LOUIS C. PANNEGL

VERSUS

JOHN KELLY

Albert J. Nicaud & Jeffrey M. Siemssen, for Plaintiff-Appellee  
Timothy Thriffiley & George I. Pivach, II, for Defendant-Appellant

**13-KA-817**

STATE OF LOUISIANA

VERSUS

KRISTIN H. CURRY

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](http://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**

---

**THURSDAY, MARCH 13, 2014**

**COURT CONVENES AT: 10:00 AM**

**\*13-KA-866 C/W**  
**13-KA-867**

STATE OF LOUISIANA  
VERSUS  
DARRION GOFF

Hon. Ricky L. Babin, for Plaintiff-Appellee  
Gwendolyn K. Brown, for Defendant-Appellant

**13-KA-875**

STATE OF LOUISIANA  
VERSUS  
JARON BIBBINS

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](http://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**

---

**THURSDAY, MARCH 13, 2014**

**COURT CONVENES AT: 11:00 AM**

**13-CA-832**

GAIL BAUDY WIFE OF/AND WARREN BAUDY  
VERSUS  
THE TRAVERLERS INDEMNITY COMPANY OF CONNECTICUT AND WINN DIXIE

Robert B. Evans, III, Cesar R. Burgos, Gabriel O. Mondino and Robert J. Daigre, for  
Plaintiff-Appellant  
Michael F. Grennan, 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](http://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.