

Fifth Circuit Court of Appeal
State of Louisiana

No. 26-C-76

BRIAN KEITH BENNETT

versus

LOUISIANA FARM BUREAU MUTUAL INSURANCE COMPANY AND KAREN M. LEGLUE

ON APPLICATION FOR SUPERVISORY REVIEW FROM THE TWENTY-NINTH JUDICIAL
DISTRICT COURT
PARISH OF ST. CHARLES, STATE OF LOUISIANA
NO. 90,657, DIVISION "E"
HONORABLE LAUREN D. ROGERS, JUDGE PRESIDING

April 28, 2026

JUDE G. GRAVOIS
JUDGE

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and John J. Molaison, Jr.

WRIT DENIED

JGG
SMC
JJM

TRUE COPY



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DEPUTY CLERK

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GRAVOIS, J.

Relator/plaintiff, Brian Keith Bennett, seeks this Court's supervisory review of the trial court's January 5, 2026 judgment which denied his motion to consolidate appeals. For the following reasons, we deny the writ application.

FACTS AND PROCEDURAL BACKGROUND

This matter arises from an alleged slip-and-fall on property plaintiff leased. Plaintiff filed suit against the property owner, Karen LeGlue; her insurer, Louisiana Farm Bureau Mutual Insurance Company; and the property management company, Newstart Properties, LLC d/b/a Kinler Bellew Realty. Subsequently, the trial court granted summary judgment as to all three defendants. Plaintiff filed three motions for devolutive appeals, and all three motions were thereafter granted.

On December 5, 2025, plaintiff filed a motion to consolidate the appeals, citing estimated costs of \$6,714.50 per appeal, later amended to \$7,103.50 per appeal. In his motion, plaintiff argued that combining the three appeals so that a single record could be adopted for lodging with the appellate court is in the best interest of judicial economy and convenience to all parties involved. Ms. LeGlue opposed the motion, asserting that the trial court lacked jurisdiction to rule on the motion to consolidate since the appeals were already granted. Following a hearing, the trial court signed a written judgment on January 5, 2026 denying the motion to consolidate the appeals.

In his writ application, plaintiff argues the trial court retained jurisdiction under La. C.C.P. art. 2088 since this matter is "unaffected by the appeal," and alternatively now argues that this matter should be remanded to the trial court for it to construe the motion as a request to reduce the excessive appeal costs pursuant to La. C.C.P. art. 2126(C).¹

¹ La. C.C.P. art. 2126(C) provides:

The appellant may question the excessiveness of the estimated costs by filing a written application for reduction in the trial court within the first twenty-day time limit, and the trial court may order reduction of the estimate upon proper showing. If an

ANALYSIS

Louisiana Code of Civil Procedure article 2088 provides, in pertinent part, that “[t]he jurisdiction of the trial court over all matters in the case reviewable under the appeal is divested, and that of the appellate court attaches, on the granting of the order of appeal Thereafter, the trial court has jurisdiction in the case only over those matters not reviewable under the appeal,” Article 2088 then lists specific exceptions to this stated law, none of which are applicable here. The language “those matters not reviewable under the appeal” has generally been interpreted to give the trial court continuing jurisdiction over all issues that are unaffected by the appeal, even if the issue is not specifically listed in La. C.C.P. art. 2088. *Bernhard MCC, LLC v. Zeringue*, 18-30 (La. App. 5 Cir. 5/30/18), 250 So.3d 342, 347.

In the present case, upon *de novo* review, we conclude that the trial court was indeed without jurisdiction to rule on the motion to consolidate the appeals. When the motion was filed, the trial court had already granted the orders of appeal. Further, none of the exceptions set forth in La. C.C.P. art. 2088 are applicable, and consolidation of the appeals is an issue that is surely not “unaffected by the appeal.” Therefore, we find no error in the trial court’s ruling which denied plaintiff’s motion to consolidate the appeals for lack of jurisdiction. *See Holleman v. Barrilleaux*, 20-194 (La. App. 3 Cir. 2/10/21), 311 So.3d 506, 509, n.4.

CONCLUSION AND DECREE

For the foregoing reasons, this writ application is denied.

WRIT DENIED

application for reduction has been timely filed, the appellant shall have twenty days to pay the costs beginning from the date of the action by the trial court on application for reduction.

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY **APRIL 28, 2026** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-C-76

E-NOTIFIED

29TH JUDICIAL DISTRICT COURT (CLERK)

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