

**Fifth Circuit Court of Appeal**  
**State of Louisiana**

No. 26-CA-232

WAYNE WHITMAN AND DIANE WHITMAN

VERSUS

JEFFREY S. DIRECTOR

ON APPEAL THE TWENTY-FOURTH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, STATE OF LOUISIANA  
NO. 869-761, DIVISION "F"  
HONORABLE MICHAEL P. MENTZ, JUDGE PRESIDING

July 17, 2026

**SCOTT U. SCHLEGEL**  
**JUDGE**

Panel composed of Judges Susan M. Chehardy,  
Scott U. Schlegel, and Timothy S. Marcel

**APPEAL DISMISSED**

**SUS**  
**SMC**  
**TSM**

TRUE COPY



MORGAN NAQUIN  
DEPUTY CLERK

COUNSEL FOR DEFENDANT/APPELLANT,  
JEFFREY S. DIRECTOR

Kayla L. Martynenko

COUNSEL FOR PLAINTIFF/APPELLEE,  
WAYNE WHITMAN AND DIANE WHITMAN

Marc D. Winsberg

Taylor A. Lanson

William S. Ercole

**SCHLEGEL, J.**

Appellant, Jeffrey S. Director, appeals two judgments rendered by the trial court on March 6, 2026, related to custody of his five minor children. Finding that the two judgments are interlocutory judgments that are not subject to appellate review, we dismiss the appeal.

*Procedural History*

Mr. Director seeks an appeal from two judgments rendered on March 6, 2026. The first judgment follows extensive proceedings in the trial court after the filing on December 15, 2025 by Wayne and Diane Whitman (the “Whitmans”), the maternal grandparents of the children, of a Petition for Temporary Emergency Custody Pursuant to Louisiana Code of Civil Procedure Article 3945 and Request for Civil Warrant (the “Whitmans’ 3945 Petition”).<sup>1</sup>

On January 9, 2026 and January 12, 2026, the parties appeared before the trial court for a hearing on the Whitmans’ 3945 Petition and Mr. Director’s Answer and Reconventional Demand, as well as a motion for an Order for Forensic Examinations filed by the Whitmans on January 8, 2026.

On January 9, 2026, the trial court ordered that four of the children were to attend appointments at the Audrey Hepburn Care Center, and that the findings of the evaluations were to be reported to the trial court and to counsel. On January 9, 2026, the trial court also issued an order on the Whitmans’ 3945 Petition, which provided that Mr. Director would have unsupervised visitation with the minor children at certain hours on Saturdays and Sundays and Tuesdays and Thursdays.

On February 23, 2026, Mr. Director filed a Motion to Vacate Sole Custody Order to Wayne and Diane Whitman and Rule for Contempt for the Whitmans. On

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<sup>1</sup> This opinion sets forth an abbreviated procedural history limited to matters relevant only to the pending appeal. Additional history is discussed in the pending supervisory writ application filed by Mr. Director in the case of *Whitman, et al. v. Director*, Case No. 26-C-169. A disposition in this pending supervisory writ application is rendered simultaneously with the decision in this appeal.

March 4, 2026, he filed a Petition for Writ of Habeas Corpus. Both of these motions were set for hearing on March 6, 2026.

On March 6, 2026, the trial court rendered and signed the “Interim Custody Judgment”, from which Mr. Director appeals, which provides in pertinent part:

After hearing the testimony and evidence presented during the first day of trial, the court ordered that the children: [E.D., O.D., R.D., and B.D.] attend appointments, including evaluations at the Audrey Hepburn Child Care Center.

The Court has received and reviewed the materials from those evaluations. The Court has reviewed Civil Code Article 134 (Factor’s in determining child’s best interest) as well as factors enumerated in Civil Code Article 136 (Award of visitation rights). Having considered all of the evidence submitted in conjunction with this matter it hereby enters the following Interim Custody Order pursuant to Civil Code Article 133:

1. The parties shall participate in a full custody evaluation. Cost of which to be split by the parties.

2. Wayne Whitman and Jeffrey Director shall have joint custody of the five children: \* \* \*

\* \* \*

7. Parties shall utilize [a] parenting coordinator.

The second judgment from which Mr. Director appeals involves a Petition for “Writ of Habeas Corpus and Request for Expedited Return Date” that he filed on March 4, 2026. At the hearing on March 6, 2026, the trial court rendered judgment denying the Petition for Writ of Habeas Corpus. The judgment signed on March 16, 2026, merely stated that “IT IS ORDERED, that the *Petition for Writ of Habeas Corpus and Request for Expedited Return Date, with Incorporated Memorandum*, filed by JEFFREY S. DIRECTOR is denied.”

### *Discussion*

We first determine whether this court has jurisdiction over Mr. Director’s appeal.

Mr. Director argues that both judgments are appealable final judgments. He argues that the first judgment, although entitled “Interim Custody Judgment,” is actually a final judgment because a custody judgment on the rule to show cause contemplated by La. C.C.P. art. 3945 is a final custody judgment. He argues that

the judgment on an Article 3945(D) contradictory hearing is best characterized as a partial final judgment contemplated by La. C.C.P. art. 1841. He contends that the second judgment denying his Petition for Writ of Habeas Corpus is final in accordance with La. C.C.P. art. 3831, providing for an “appeal” from judgments in habeas corpus proceedings.

The Whitmans respond that both judgments are interlocutory and not subject to the appellate jurisdiction of this Court.

Our review leads to a conclusion that both judgments are interlocutory. The “Interim Custody Judgment” does not determine the merits of the custody determination but orders temporary legal and physical custody pending the outcome of the custody evaluation. The trial court ordered a full custody evaluation. The record is clear that the full trial on custody has yet to occur.

Similarly, the second judgment, which denies Mr. Director’s Petition for Writ of Habeas Corpus, is an incidental matter to the final custody determination that has not been made in this case and did not determine any issues on the merits. Accordingly, we find that the judgment denying the Petition for Writ of Habeas Corpus is not appealable.

The proper procedural vehicle to contest an interlocutory judgment is by application for supervisory writ. *See* La. C.C.P. art. 2201. It is not this Court’s policy to convert jurisdictionally defective appeals into supervisory writ applications. *LaPalco Village Joint Venture v. Pierce*, 26-135 (La. App. 5 Cir. 6/5/26), --- So.3d ---, 2026 WL 1618639; *Short v. Burquera*, 24-407 (La. App. 5 Cir. 10/18/24), 398 So.3d 1224, 1226. In the *LaPalco Village* and *Short* cases, this Court gave the appellants the opportunity to file an application for supervisory writ, should they choose to do so, within 30 days of the dismissal of the appeal. However, in this case, Mr. Director already has a pending supervisory writ application, Case No. 26-C-169, which seeks review of the same judgments. Thus,

it is not necessary to give him 30 days to file a supervisory writ application following dismissal of this appeal.

**APPEAL DISMISSED**

SUSAN M. CHEHARDY  
CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
STEPHEN J. WINDHORST  
JOHN J. MOLAISSON, JR.  
SCOTT U. SCHLEGEL  
TIMOTHY S. MARCEL

JUDGES



FIFTH CIRCUIT  
101 DERBIGNY STREET (70053)  
POST OFFICE BOX 489  
GRETNA, LOUISIANA 70054  
[www.fifthcircuit.org](http://www.fifthcircuit.org)

CURTIS B. PURSELL  
CLERK OF COURT

SUSAN S. BUCHHOLZ  
CHIEF DEPUTY CLERK

LINDA M. TRAN  
FIRST DEPUTY CLERK

MELISSA C. LEDET  
DIRECTOR OF CENTRAL STAFF

(504) 376-1400  
(504) 376-1498 FAX

**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  
**JULY 17, 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-CA-232**

**E-NOTIFIED**

24TH JUDICIAL DISTRICT COURT (CLERK)  
HONORABLE MICHAEL P. MENTZ (DISTRICT JUDGE)  
DIXON C. BROWN (APPELLANT)  
MARC D. WINSBERG (APPELLEE)

JENNIFER C. CARTER (APPELLANT)  
TAYLOR A. LANSON (APPELLEE)  
WILLIAM S. ERCOLE (APPELLEE)

KAYLA L. MARTYNENKO (APPELLANT)

**MAILED**