

Fifth Circuit Court of Appeal
State of Louisiana

NO. 26-C-513

JANA PODRET WIFE OF/AND ROGER WILLIAMS INDIVIDUALLY AND ON BEHALF
OF THEIR MINOR CHILD CW

versus

KEHOE-FRANCE, INC., ET AL.

ON APPLICATION FOR REHEARING

October 25, 2026

DENIED WITHOUT REASONS

FHW

JGG

MEJ

JJM

DISSENTS WITH REASONS

SJW

TRUE COPY



LINDA TRAN
DEPUTY CLERK

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WINDHORST, J., DISSENT WITH REASONS

I, respectfully, would grant the application for rehearing. I reiterate that the trial judge has broad discretion in such matters, and I do not believe that he abused that discretion.

Moreover, the denial of a motion in limine is not a declaration that the evidence sought to be excluded prior to trial will necessarily be admitted at trial. During the trial, the party offering the evidence will nonetheless have to meet the same burden for admission as any other evidence, *i.e.*, a proper foundation must be laid, the evidence must be relevant, the probative value must be weighed against prejudice, etc. Further, denial of a motion generally leaves the matter in the same posture as before, *i.e.*, the status quo ante remains, which is that admissibility will be decided during trial. Thus, the trial judge will still have the same discretion to admit or exclude the evidence at trial.

I would therefore grant the application for rehearing and ultimately deny the writ.

SUSAN M. CHEHARDY
CHIEF JUDGE

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

JUDGES



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NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **10/25/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-C-513

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