Fifth Circuit Court of Appeal
State of Louisiana

No. 26-C-477

KENSINGTON CAPITAL ADVISORS, LLC, ET AL.

versus

DELOS CAPITAL MANAGEMENT LP, ET AL.

IN RE DELOS CAPITAL MANAGEMENT LP, DELOS EDGARD, LP, GULF COAST CONSTRUCTION & MATERIALS, LLC, EDGARD CONSTRUCTIONS MATERIALS, LLC, ST. JAMES CONSTRUCTION MATERIALS, LLC, RIVER PARISHES CONSTRUCTION MATERIALS, LLC, HAWK RDF, L.L.C., ROBERT D. FIELD, BAK ADVISORS, INC., AND BERNARD A. KATZ APPLYING FOR SUPERVISORY WRIT TO THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE JUNE B. DARENSBURG, DIVISION "C", No. 851-721

TRUE COPY



MORGAN NAQUIN
DEPUTY CLERK

November 25, 2026

Panel composed of Judges Jude G. Gravois,
Stephen J. Windhorst, and Timothy S. Marcel

WRIT DENIED

Defendants/relators[1] seek review of the trial court's September 9, 2026 judgment, granting the motion to continue trial and stay proceedings filed by plaintiffs/respondents and defendant-in-reconvention.[2] In its judgment, the trial court stayed proceedings until October 26, 2026, and continued trial until January 25-28. Defendants ask this court to direct that this case proceed without a further stay and remain set for trial on January 25-28, 2027.

[1] Defendants include Delos Capital Management LP, Delos Edgard, LP, Gulf Coast Construction & Materials, LLC, Edgard Construction Materials, LLC, St. James Construction Materials, LLC, River Parishes Construction Materials, LLC, Hawk RDF, L.L.C., Robert D. Field, BAK Advisors, Inc., and Bernard A. Katz.

[2] Kensington Capital Advisors, LLC; Kensington Realty Group, LLC; Allied Transportation of Louisiana, LLC; Pelican Barge and Transportation, LLC, John Ohle. Defendant-in-reconvention is River Parishes Dirt & Gravel, LLC.

Defendants indicate that the trial court has been continued this case multiple times since February 19, 2025 in that it was reset for trial to January 26-27, 2026, April 6, 2026, August 10, 2026, September 21, 2026, November 16, 2026, and now January 25-28, 2027. The trial court has granted the continuances primarily because plaintiff, John Ohle, is facing criminal charges related to the claims at issue in this lawsuit.

La. C.C.P. art. 1601 provides for a continuance "if there is good ground therefor." The trial court must consider the particular facts of a case when deciding whether to grant or deny a continuance. City of Bogalusa v. Moses, 20-0165 (La. App. 1 Cir. 4/16/21), 323 So.3d 404, 407. The trial court should consider the diligence and good faith of the party seeking the continuance and other reasonable grounds. Id. The trial court may also weigh the condition of the court docket, fairness to the parties and other litigants before the court, and the need for orderly and prompt administration of justice. St. Tammany Par. Hosp. v. Burris, 00-2639 (La. App. 1 Cir. 12/28/01), 804 So.2d 960, 963. The trial court has great discretion on a motion to continue under Article 1601, and a reviewing court should not disturb its ruling on appeal in the absence of a clear abuse of discretion. Id.

Plaintiffs claim this case should be stayed pending the outcome of the criminal proceedings against Mr. Ohle. In this situation, the court must weigh the parties' civil constitutional right to have this lawsuit resolved without unreasonable delay against the criminal defendant's rights under the Fifth Amendment. However, in cases where the civil defendant was also the criminal defendant, Louisiana courts have held that a plaintiff's right to a civil remedy should prevail. Therefore, a civil action need not await the finality of an interrelated criminal prosecution. Green v. Champion Ins. Co., 577 So.2d 249, 262 (La. Ct. App.), writ denied, 580 So.2d 668 (La. 1991); Barbee v. Pigott, 398 So.2d 137, 138 (La. App. 3 Cir. 1981). A litigant's

indictment "cannot give him a blank check to block all civil litigation on the same or related underlying subject matter." Green, 577 So.2d at 262.

In Green, the individual defendants were themselves the subjects of criminal proceedings, yet the court held that "those conflicts did not warrant the granting of a stay," because requiring the civil claimant "to await the finality of the criminal proceedings makes his civil remedy inadequate if not non-existent." Id. at 263. In Barbee, the court held it was not an abuse of discretion to refuse to delay the civil action when the "criminal charges pending against defendant may require several years before final disposition." 398 So.2d at 138.

Here, the criminal matter against Mr. Ohle may be quite lengthy, which would result in an unreasonable delay in the resolution of this civil case. Thus, we recognize the unfairness of the trial being repeatedly continued, and counsel having to effectively remain prepared, or repeatedly prepare for trial. We are also mindful that the expenses involved in re-setting a case for trail are often exorbitant. However, because there is no order continuing the January trial at this time, we do not have a judgment to review or upon which to rule. This court cannot generically deprive the trial court of considering any future motion to continue trial, especially without knowing the grounds therefor and the particular circumstances existing when any future motion to continue is filed.

Accordingly, under these circumstances, we deny this writ application.

Gretna, Louisiana, this 25th day of November, 2026.

SJW
JGG
TSM

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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CURTIS B. PURSELL
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SUSAN S. BUCHHOLZ
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MELISSA C. LEDET
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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 **11/25/2026** 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

CURTIS B. PURSELL
CLERK OF COURT

26-C-477

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable June B. Darensburg (DISTRICT JUDGE)
Mark R. Beebe (Respondent)
Corey E. Dunbar (Respondent)
Robert J. Stefani, Jr. (Relator)
Matthew W. McDade (Relator)

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