Fifth Circuit Court of Appeal
State of Louisiana

No. 26-C-485

KENSINGTON CAPITAL ADVISORS, LLC, ET AL.

versus

DELOS CAPITAL MANAGEMENT LP, ET AL.

IN RE KENSINGTON CAPITAL ADVISORS, LLC, KENSINGTON REALTY GROUP, LLC, ALLIED TRANSPORTATION OF LOUISIANA, LLC, PELICAN BARGE AND TRANSPORTATION, LLC, JOHN OHLE, AND RIVER PARISHES DIRT & GRAVEL, LLC. 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

Plaintiffs and defendant-in-reconvention[1] (collectively "plaintiffs") seek review of the trial court's September 9, 2026 judgment, which stayed this case until October 26, 2026 and reset trial for January 25-28, 2027. Plaintiffs seek an indefinite stay of this case pending resolution of criminal charges pending against plaintiff, John Ohle. In response, defendants[2] assert that (1) a stay is a drastic measure

[1] Plaintiffs are 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.

[2] Defendants are 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.

requiring a showing of substantiated prejudice, which plaintiffs have not shown; and (2) a civil action need not await of the outcome of a related criminal case.

Courts have discretion in deciding whether to grant a motion to stay and may deny a stay request where the party fails to demonstrate sufficient prejudice to support such a drastic measure. Green v. Champion Ins. Co., 577 So.2d 249, 262 (La. Ct. App.), writ denied, 580 So.2d 668 (La. 1991). A reviewing court should not disturb the trial court's decision to deny a motion for stay unless the court finds that there has been an abuse of discretion. Bank of Commerce and Trust Company v. Prejean, 262 So.2d 798 (La. App. 3rd Cir.1972).

A civil action need not await the finality of an interrelated criminal prosecution. Green, 577 So.2d at 262; Barbee v. Pigott, 398 So.2d 137, 138 (La. App. 3rd Cir.1981). A party's indictment does not give him a blank check to block all civil litigation on the same or related underlying subject matter. Green, 577 So.2d at 262. The court, in its sound discretion, must assess and balance the nature and substantiality of the injustices claimed on either side. Id. Thus, the law does not indicate a criminal defendant is necessarily entitled to a stay of any civil proceedings related to defendant's criminal charges.

Mr. Ohle commenced this suit and is the controlling individual of the other plaintiff entities. In addition, Mr. Ohle has already submitted to a three-day deposition and submitted detailed sworn affidavits in this case.

Considering the above, we cannot say the trial court abused its discretion in refusing to grant a stay pending the outcome of the criminal charges against Mr. Ohle. We therefore 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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CLERK OF COURT

SUSAN S. BUCHHOLZ
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LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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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-485

E-NOTIFIED

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

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