

Fifth Circuit Court of Appeal State of Louisiana

No. 26-C-324

AMOS FINANCIAL LLC, AS SUCCESSOR-IN-INTEREST TO
NESTOR I LLC

versus

JAMIE P. LABRANCHE AND KIM M. LABRANCHE

IN RE AMOS FINANCIAL LLC, AS SUCCESSOR-IN-INTEREST TO NESTOR I LLC
APPLYING FOR SUPERVISORY WRIT FROM THE FORTIETH JUDICIAL DISTRICT COURT,
PARISH OF ST JOHN THE BAPTIST, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
VERCELL FIFFIE, DIVISION "A", No. 54,549

TRUE COPY

August 11, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and Marc E. Johnson

WRIT GRANTED; JUDGMENT REVERSED; MATTER REMANDED

Relator, Amos Financial LLC, as successor-in-interest to Nestor I LLC, seeks this Court's supervisory review of the trial court's July 14, 2026 judgment which granted the "*Ex Parte* Expedited Motion to Quash Writ of Fieri Facias, Notice of Seizure and Sale Served July 7, 2026, and for Protective Order" filed by *pro se* defendant, Jamie Labranche.

This foreclosure proceeding has an extensive history dating back to 2007. On January 22, 2018, the prior mortgage holder obtained a "Reformed Judgment" in the amount of the outstanding mortgage, plus interest, fees, and costs. In *Amos Fin. LLC v. Labranche*, 26-220 (La. App. 5 Cir. 5/22/26), 2026 WL 1458919, this Court found, in part, that the "Reformed Judgment" was a valid final judgment and relator could take all steps necessary to enforce it. The Louisiana Supreme Court

subsequently denied writs and remanded the matter to the trial court for further proceedings. *Amos Fin. LLC v. Labranche*, 26-663 (La. 6/11/26), --- So. 3d ----, 2026 WL 1733307.

Upon remand, on June 22, 2026, relator requested issuance of a writ of fieri facias in order to execute the “Reformed Judgment.” On July 9, 2026, defendant filed an “*Ex Parte* Expedited Motion to Quash Writ of Fieri Facias, Notice of Seizure and Sale Served July 7, 2026, and for Protective Order.” Therein, defendant argued that the Louisiana Supreme Court’s June 11, 2026 ruling directed the trial court to conduct further proceedings to determine the rights of the parties, thus vacating the finality of the “Reformed Judgment.” Additionally, defendant argued that the “Reformed Judgment” is null due to a bankruptcy discharge in favor of his wife. Defendant requested “*ex parte* protective relief” since harm was imminent as a sheriff’s sale could be scheduled at any time. On July 10, 2026, relator responded by letter to the trial court that was also filed into the record, arguing defendant’s motion to quash should be immediately stricken and/or denied.

On July 14, 2026, in response to defendant’s *ex parte* motion, the trial court signed a judgment: 1) quashing and setting aside the writ of fieri facias; 2) issuing a protective order prohibiting relator from executing the “Reformed Judgment”; 3) setting the matter for an expedited hearing on July 27, 2026; and 4) directing relator to show cause at the hearing why sanctions should not be imposed for abuse of process and disregard for the Louisiana Supreme Court remand order. On July 20, 2026, the trial court ordered that the July 27, 2026 hearing be continued until a hearing could be held on defendant’s request that a subpoena be issued to the trial judge.

Louisiana Code of Civil Procedure article 2298 provides grounds for injunctive relief prohibiting a sheriff from proceeding with the sale of property seized under a writ of fieri facias. It provides, in pertinent part:

- A. Injunctive relief prohibiting the sheriff from proceeding with the sale of property seized under a writ of fieri facias shall be granted to the judgment debtor or to a third person claiming ownership of the seized property:
 - (1) When the sheriff is proceeding with the execution contrary to law.
 - (2) When, subsequent to the judgment, payment has been made, compensation has taken place against the judgment, or the judgment has been otherwise extinguished. If the payment,

compensation, or extinguishment is for a part of the judgment, the injunction shall be granted to that extent, and the execution shall continue for the amount of the excess.

(3) When the judgment is for the payment of the purchase price of property sold to the judgment debtor and a suit for recovery of the property has been filed by an adverse claimant.

(4) When the judgment sought to be executed is absolutely null.

The procedural requirements for injunctions set forth in La. C.C.P. arts. 3601-3613 apply to injunctions issued under La. C.C.P. art. 2298. *See* La. C.C.P. art. 2298, cmt. (a); *MEB Loan Tr. VIII v. Glorioso*, 25-510 (La. App. 5 Cir. 5/14/26), -- So.3d ----, 2026 WL 1346020.

Upon review, we conclude that defendant's *ex parte* motion to quash and request for protective order was not the proper procedural vehicle to enjoin the sheriff's sale of the property. Defendant must seek injunctive relief pursuant to La. C.C.P. art. 2298, following the procedural requirements for injunctions as set forth in La. C.C.P. arts. 3601-3613. Thus, we find the trial court erred in granting the July 14, 2026 judgment. Accordingly, we grant this writ application, reverse the trial court's July 14, 2026 judgment, and remand this matter for further proceedings.

Gretna, Louisiana, this 11th day of August, 2026.

JGG
SMC
MEJ

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



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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

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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 **08/11/2026** 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:

A handwritten signature in blue ink, reading "Curtis B. Pursell", is written over a horizontal line.

CURTIS B. PURSELL
CLERK OF COURT

26-C-324

E-NOTIFIED

40th District Court (Clerk)
Honorable Vercell Fiffie (DISTRICT JUDGE)
Conor T. Lutkewitte (Relator)
John M. Theriot (Relator)

MAILED

Jamie P. Labranche (Respondent)
In Proper Person
2173 Carmel Valley Drive
LaPlace, LA 70068