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CONTRACTS

Court enforces forum selection clause in contract.

NOLA Terminal LLC v. Brian Miles, 2026-CC-00784 (La. 10/21/2026) [4 pp.]

Plaintiff operated a ship and barge dock terminal and storage facility on the Mississippi River in Plaquemines Parish and leased property to OnSite Concrete Solutions, LLC. They entered into a Docking, Access, Throughput, and Indemnity Agreement (Docking Agreement). Plaintiff sued OnSite in the 24th JDC alleging OnSite breached the Docking Agreement. OnSite filed an exception, arguing that the 24th JDC was an improper venue under the Docking Agreement's forum selection clause. That clause provided: "As the exclusive means of bringing adversarial proceedings to resolve any dispute arising out of this Agreement or the subject matter of this Agreement, a party may bring such a proceeding in the U.S. District Court for the Eastern District of Louisiana in New Orleans. If (and only if) that federal court lacks subject-matter jurisdiction, a party may bring such a

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proceeding in the 25th Judicial District for Plaquemines Parish, Louisiana." Because there was no basis for federal jurisdiction, the last sentence came into play. The district court denied the exception. A five-judge panel of the Fifth Circuit denied review. The court of appeal found that evidence of the Docking Agreement was not properly submitted and, even if it was, filing suit in the 25th JDC was permissive, not mandatory. Chief Judge Chehardy and Judge Schlegel dissented.

The Court granted a supervisory writ and reversed. Focusing on the last sentence in the clause, plaintiff emphasized the permissive term "may," arguing that absent federal jurisdiction, the parties could litigate in any state district court. OnSite urged the Court to read the clause in its entirety, making state court venue exclusive in the 25th JDC. The Court agreed with OnSite. It was obvious that in agreeing to a forum selection clause the parties intended to delineate the "exclusive means" for bringing suit in the event of a disagreement. Applying the rules of construction, the clause clearly mandated the 25th JDC as the exclusive venue in the event federal jurisdiction did not exist. The Court granted the exception of improper venue and ordered the suit transferred to the 25th JDC under La. Code Civ. Proc. art. 121. Reversed; exception granted.

Per curiam; Hughes & Griffin, JJ., dissenting, would deny.

CIVIL PROCEDURE

Claims did not meet requirements for lis pendens.

Kelly Dalehite v. Pavement Markings, LLC, 2026-CC-00743 (La. 10/13/2026) [3 pp.]

Kelly Dalehite filed suit against Pavement Markings, LLC, his former employer. Pavement Markings filed a reconventional demand alleging Dalehite breached duties to the company. Pavement Markings also filed a separate suit naming Dalehite and others as defendants and alleging a bid-rigging conspiracy. Dalehite filed an exception of lis pendens, which the district court denied. The First Circuit granted Dalehite's writ application and reversed. It found the requirements for lis pendens were present and dismissed Pavement Markings' claims in the second suit without prejudice. Judges Theriot and Edwards dissented from the decision of the five-judge panel.

The Court granted a supervisory writ and unanimously reversed the court of appeal. Under La. Code Civ. Proc. art. 531, "[w]hen two or more suits are pending in a Louisiana court or courts on the same transaction or occurrence, between the same parties in the same capacities, the defendant may have all but the first suit dismissed by excepting thereto." La. Code. Civ. Proc. art. 531. An exception of lis pendens should be sustained only if a final judgment in the first suit would be res judicata in the second suit. *Saulsbury Industries, Inc. v. Cabot Corp.*, 22-1162, p. 2 (La. 11/01/22), 348 So. 3d 1267, 1268; *LSCR* Vol. 30, No. 11. Although the allegations in the two suits here overlapped, the claims did not arise from the same transaction or occurrence and would not be res judicata on a final judgment. The district court properly denied the exception. Reversed; district court judgment reinstated.

Per curiam.

Court remands for supplementation of writ application and merits consideration.

Theodore Thyssen, Sr. v. East Baton Rouge School Board, 2026-CC-01355 (La. 10/16/2026) [2 pp.]

Plaintiffs filed a writ application with the First Circuit. The court of appeal found the application failed to comply with the uniform rules by not including a signed copy of the judgment or the pleadings and opposition on which the judgment was founded. The Court granted a

supervisory writ and remanded, instructing the court of appeal to allow plaintiffs to supplement their application and to consider the supplemented application on the merits. Remanded.

Per curiam.

Avoiding recusal issue, Court uses its plenary authority to reassign case.

Bausch & Lomb Americas, Inc. v. Gemini Insurance Co., 2026-CC-01186 (La. 10/21/2026) [5 pp.]

This case filed in the 13th JDC, Parish of Evangeline, originally was assigned to Division B. When the Division B judge continued a hearing due to personal medical challenges, plaintiffs moved for recusal. They argued that any delay would result in their inability to obtain a hearing on threshold issues and restrict discovery while jurisdictional challenges remained unresolved. The Division B judge granted the motion to recuse himself due to health challenges that uniquely impacted the case, and the case was reassigned to the other division of the court, Division A. The Third Circuit granted defendants' writ application and reversed. The court of appeal found the motion to recuse failed to state grounds for recusal under La. Code. Civ. Proc. art. 151 and the Division B judge failed to give sufficient specific reasons for recusal as required by art. 153.

The Court granted a supervisory writ and vacated the decisions of both lower courts. The Court did not disagree with the reasoning of the court of appeal, but instead of ruling on the issue of recusal, decided to exercise its plenary, unfettered, general supervision and control over all courts under La. Const. art. V, § 5 to order the matter to remain reassigned to Division B. Given the unique circumstances, the Court found no basis to disturb the reassignment. Justice Griffin concurred, noting this was essentially a grant of a reasonable accommodation to properly avoid state constitutional and federal statutory issues. Recusal vacated; reassignment ordered; remanded.

Per curiam; Griffin, J., concurring with reasons; McCallum, J., dissenting.

TORTS

Court grants summary judgment on issue of whether tortfeasor was in course and scope of employment.

David Millaud v. The Travelers Insurance Company, No. 2026-CC-00575 (La. 10/13/2026) [4 pp.]

Plaintiff was rear-ended by a vehicle driven by Pernell Keelan and owned by American News Company, LLC, for whom Keelan was employed as a delivery driver out of its Harahan Depot. Plaintiff filed suit and included American News and its insurer as defendants, alleging they were vicariously liable for Keelan's negligence. Defendants moved for summary judgment, arguing Keelan was not in the course and scope of his employment at the time of the accident. They submitted evidence that he was not paid for work done that day, that no deliveries were made from the Harahan Depot on Tuesdays (the day of the week the accident occurred), and that delivery drivers were not permitted to use vehicles for personal errands. The district court struck plaintiff's opposition as untimely but nonetheless denied the motion. It reasoned that because American News owned the vehicle, there was a presumption that Keelan was in the course and scope of his employment. The Fourth Circuit denied a writ application.

The Court granted a supervisory writ and reversed. The presumption relied on by the district court was rebuttable. Defendants rebutted it with their evidence, and by not filing a timely opposition, plaintiffs failed to produce evidence of a material factual dispute. Reversed; motion for summary judgment granted; remanded.

Per curiam; Weimer, C.J., Hughes & Griffin, JJ., dissenting, would deny.

Defendants entitled to summary judgment based on statute limiting liability for sponsors of equine activities.

Jimmy Washington v. American National General Insurance Company, 2026-C-00951 (La. 10/13/2026) [2 pp.]

Daphne Washington suffered significant injuries when she fell from a horse during a supervised trail ride. She and her husband, Jimmy, were riding horses at Camp Collins in Lincoln Parish when she fell from her horse, Magnum. The Washingtons filed suit against David Collins and Anna George, who owned Camp Collins and the horses. Plaintiffs alleged that Magnum stepped into a large mole hole and threw Daphne to the ground and that Collins had told them the area he was taking them through was infested by moles who had created subsurface and hidden holes. Defendants moved for summary judgment under La. R.S. § 9:2795.3, which provides a limitation on liability for sponsors of equine activities. The statute provides generally that sponsors of equine activities shall not be liable for an injury or death of a participant resulting from the inherent risks of equine activities, with certain exceptions. La. R.S. § 9:2795.3(B). The statute requires sponsors to post certain warning signs to that effect. La. R.S. § 9:2795.3(E) and (F). The exception pertinent here provided that liability would not be limited if the equine activity sponsor "[o]wned, leased, rented, or otherwise was in lawful possession and control of the land … upon which the participant sustained injuries because of a dangerous latent condition which was known or should have been known to the equine activity sponsor … and for which warning signs have not been conspicuously posted." La. R.S. § 2795.3(C)(3).

In support of their motion, defendants submitted the petition, deposition excerpts, and an affidavit from Collins. They contended Daphne was injured when she fell from Magnum after he stubbed his hoof, stumbled, and dropped to his knee, which is a normal and inherent risk of horseback riding. They maintained that the horse did not step into a preexisting hole and that the accident occurred in an open pasture on a gently sloped decline at least 150 yards away from the nearest known hole or molehill. Collins had returned to the scene a week after the incident and found no large hole but only an imprint from where Magnum stubbed his hoof. He photographed the imprint. Defendants argued that plaintiffs failed to produce evidence to support their allegations that defendants failed to properly maintain their grounds and that they were immune from liability under the statute. Plaintiffs opposed the motion, also submitting deposition excerpts, and contended, among other arguments, that the molehills and holes were a dangerous latent condition that was known or should have been known to Collins, who failed to conspicuously post warning signs, so that the exception in § 2795.3(C)(3) applied. Jimmy claimed Collins told him several days after the accident that the best he could figure was that Magnum stepped into a hole. The district court granted summary judgment for defendants, finding that none of the statute's exceptions applied. On appeal the Second Circuit reversed, concluding a genuine issue of material fact existed regarding whether Daphne sustained her injuries because of a dangerous latent condition which was known or should have been known to defendants and for which warning signs were not conspicuously posted.

The Court granted a supervisory writ and, in a brief per curiam, reversed the court of appeal "for the reasons articulated by the trial court." The Court reinstated the district court's grant of summary judgment for defendants. Reversed; district court judgment reinstated.

Per curiam; Hughs, Griffin & Guidry, JJJ., dissenting, would deny.

Surviving spouse's right to survival and wrongful death action formed part of his estate despite existence of other member of beneficiary class.

Rhyan Spears v. Misty Boudreaux, CRNA, 2026-C-00998 (La. 10/21/2026) [4 pp.]

Nichele Spears died during a colonoscopy procedure. She was survived by her husband, Sean Toussaint, and an adult son, Rhyan Spears, both members of the same beneficiary class under La. Civ. Code arts. 2315.1(1) and 2315.2(1). Toussaint initiated a medical review panel proceeding, and the panel rendered an opinion favorable to him. Before Toussaint filed suit, however, he died. When Spears filed a petition for wrongful death and survivor benefits, Toussaint's sister, as administrator of his estate, moved to intervene in Spears's suit to assert Toussaint's survival and wrongful death claims. She argued that those rights vested in Toussaint before his death and became a part of his estate at his death. The district court denied the intervention and dismissed the sister's claims with prejudice. The Fourth Circuit affirmed. It reasoned that because Spears remained a first-class beneficiary, his existence was "dispositive," and Toussaint's rights did not transmit to his estate.

The Court granted a supervisory writ and unanimously reversed. The court of appeal's conclusion was inconsistent with the Court's jurisprudence and the governing Civil Code articles. In *Haas v. Baton Rouge General Hospital*, 364 So. 2d 944 (La. 1978), the Court held that when a statutory beneficiary survives the tort victim but later dies, the rights of action that vested in that beneficiary become property rights of the beneficiary and form part of his estate. Although *Haas* examined rights under former art. 2315, its reasoning remained viable under present articles 2315.1(C) and 2315.2(C). Both of those articles expressly provide that the rights recognized by them are "heritable," and the articles do not condition that heritability on the presence or absence of another member of the same beneficiary class. Toussaint's rights to bring a survival or wrongful death action vested in him at his wife's death. Once vested, those rights belonged to him and, upon his death, became part of his estate. The existence of Spears's claim did not alter the heritability of Toussaint's vested rights or prevent their transmission to his estate at his death. The Court found Toussaint's sister, in her capacity as administrator of his estate, had a right to assert his interests. The Court remanded for the district court to reconsider the motion to intervene and for further proceedings consistent with the opinion. Otherwise, it denied the writ. Reversed and remanded.

Per curiam.

INSURANCE

Plaintiff had not sufficiently pled direct action against insurer but was entitled to amend.

Terry Vascocu v. Privilege Underwriters Reciprocal Exchange, 2026-C-00649 (La. 10/06/2026) [5 pp.]

Plaintiff was in an automobile accident and later filed suit against the tortfeasor, Katherine Boyce, and Boyce's insurer, Privilege Underwriters Reciprocal Exchange (Pure). Plaintiff alleged in her petition that Boyce was insolvent by stating, "Upon information and belief, [Boyce's] total liabilities exceed the total of her fairly appraised assets and [Boyce] is unable to pay debts, including those owed to Petitioner as a result of this crash, as they become due." Pure filed exceptions of no right of action and no cause of action. It argued plaintiff failed to allege sufficient facts to establish Boyce was insolvent and thus failed to state a direct action against Pure under La. R.S. § 22:1269(B)(1). The district court agreed and dismissed plaintiff's claims against Pure. On appeal, the First Circuit reversed.

The Court granted a supervisory writ and unanimously reversed the court of appeal. The narrow question presented was whether plaintiff had established a direct right of action against Pure. The Court noted that an exception of no right of action was the proper vehicle for Pure's argument. Evidence is admissible on an exception of no right of action to "support or controvert any of the objections pleaded, when the grounds therefor do not appear from the petition." La. Code Civ. Proc. art. 931; *Industrial Companies, Inc. v. Durbin*, 2002-0665, p. 12 (La. 01/28/03), 837 So. 2d 1207, 1216. If no evidence is introduced, the petition's well pleaded facts must be taken as true. *Eagle Pipe & Supply, Inc. v. Amerada Hess Corp.*, 2010-2267, p. 2 (La. 10/25/11), 79 So. 3d 246, 252-53. Here, neither party submitted evidence, so the Court analyzed the petition for sufficient well pleaded facts to establish a right of action. It found plaintiff's allegations were conclusory in nature and that she failed to plead facts with reasonable specificity to support her claim that Boyce was insolvent. Although the Court found the district court properly granted Pure's exception of no right of action, it also found the district court erred in not allowing plaintiff an opportunity to amend. Thus, the Court remanded to the district court to set an appropriate delay for amending the petition. Reversed; district court judgment reinstated; remanded.

Per curiam.

Cleaning contractor's insurer was entitled to summary judgment in claim for injury on ice slide at Convention Center.

Percy Marchand v. New Orleans Public Facility Management, Inc., 2026-C-00949 (La. 10/06/2026) [2 pp.]

Plaintiff alleged he was injured at the New Orleans Ernest N. Morial Convention Center while riding an "ice slide" at Christmas Fest in December 2021. He alleges that while attempting to sit in the inner tube designed for the slide, he accidentally slid down the slide without the tube, collided with the slide wall and floor, and broke his leg. He named as defendants New Orleans Public Facility Management, Inc. d/b/a New Orleans Ernest N. Morial Convention Center, Cleaning Concierge, LLC, and others. Cleaning Concierge had contracted with the Convention Center to provide "general labor" to the Convention Center. The agreement also required Cleaning Concierge to obtain a liability insurance policy to indemnify and defend the Convention Center against bodily injury claims arising from Cleaning Concierge's performance of work and caused by its negligence. Cleaning Concierge obtained a liability insurance policy from Kinsale Insurance Company. The policy contained a "Classification Limitation Exclusion" which stated, "This insurance applies only to the operations that are described in the DESCRIPTION OF OPERATIONS." On a separate page, the description of operations was labeled as "Janitorial and Building Maintenance Contractor." The policy also provided that insurance coverage for additional insureds would be no broader than coverage provided to the insured.

Among other allegations, plaintiff contended his injuries were caused by the separate or joint negligence of Cleaning Concierge and the Convention Center in maintaining the ice slide or premises in a reasonably safe condition. The Convention Center filed a cross-claim against Cleaning Concierge and Kinsale alleging Cleaning Concierge was liable because it contracted to provide "general labor," and the Convention Center was an additional insured under the Kinsale policy. Kinsale moved for summary judgment on the cross-claim, asserting plaintiff's allegations were not covered by its policy under the "Classification Limitation Exclusion." Kinsale argued that plaintiff's injuries did not arise from the cleaning, repairing, or upkeep of a permanent structure but arose from negligence in the building, operating, or working of the ice slide amusement attraction, which was not included in janitorial and building maintenance. The district court agreed and granted Kinsale's motion for

summary judgment. On appeal the Fourth Circuit found that the classification limitation exclusion was ambiguous and that it was unclear from the record whether Cleaning Concierge was responsible for clearing the melted ice from the platform at the top of the slide. The court of appeal decided the matter was not ripe for summary judgment and reversed the district court.

The Court granted a supervisory writ and, in a two-line per curiam, reversed the court of appeal and reinstated the district court's grant of summary judgment to Kinsale. Reversed; district court judgment reinstated.

Per curiam; Hughes, J., dissenting, would deny.

MEDICAL MALPRACTICE

Court remands for district court to consider whether expert testimony was necessary.

Julie Vaucresson v. Nighthawk Radiology Holdings, 2026-CC-00795 (La. 10/13/2026) [4 pp.]

Plaintiff went to the Iberia Medical Center emergency room complaining of severe abdominal pain on December 24, 2005. She was discharged based on the assurance of Dr. Kelsey Webb that Dr. Webb would evaluate plaintiff and perform an ultrasound at her clinic on December 26. When plaintiff attempted to follow those instructions, she was told the clinic was closed on December 26 and Dr. Webb was unavailable the next day. She was instructed to follow up with her obstetrician at her regularly scheduled appointment on January 6. Her condition deteriorated, and she underwent emergency surgery on January 3. Plaintiff filed suit against Dr. Webb, who moved for summary judgment. Dr. Webb argued that her conduct did not rise to the level of gross negligence required by the Louisiana Health Emergency Powers Act, La. R.S. § 27:760, et seq. Dr. Webb relied on the unanimous medical review panel opinion finding she did not breach the standard of care, as well as on expert testimony that she met the appropriate standard of care. Plaintiff filed a cross-motion for summary judgment, contending Dr. Webb's actions amounted to gross negligence and relying on the testimony of plaintiff's treating physician, who opined that Dr. Webb's inaction constituted a breach. The district court denied both motions, citing conflicting expert testimony as to whether the standard of care was breached. The Third Circuit denied writs.

The Court granted a supervisory writ to clarify that in this matter summary judgment as to the standard of care did not depend on expert testimony. While expert testimony is generally required to establish the standard of care and breach in medical malpractice cases, a narrow class of cases exists in which expert testimony is unnecessary because the alleged negligence is so obvious that a layperson can identify it without medical expertise. *See Pfiffner v. Correa*, 94-092 (La. 10/17/94), 643 So. 2d 1228. In *Pfiffner* the Court observed: "Failure to attend a patient when the circumstances demonstrate the serious consequences of this failure, and failure of an on-call physician to respond to an emergency when he knows or should know that his presence is necessary are … examples of obvious negligence which require no expert testimony to demonstrate the physician's fault." *Id.* at p. 9, 643 So. 2d at 1233. Here, the record did not reflect that the district court considered the nature of the alleged negligence. It instead focused on the medical experts. It should have first considered whether, under *Pfiffner*, the facts and evidence were such that expert testimony was not required to determine negligence. The Court, while expressing no view on the merits of the case, unanimously remanded to the district court to address *Pfiffner* as part of the summary judgment analysis. Vacated and remanded.

Per curiam.

Court remands LPSC battle to district court for merits determination.

Rosefield Fourchon Operating, LLC v. Louisiana Public Service Commission, 2026-CD-01160 (La. 10/15/2026) [2 pp.]

This matter stems from a 2024 complaint filed with the Louisiana Public Service Commission (LPSC) against Rosefield Fourchon Operating, LLC, alleging it operated as a common carrier pipeline for the transportation and terminaling of crude oil without a filed tariff at excessive rates. Rosefield maintained that its Fourchon facility was a self-contained petroleum storage and metering terminal rather than a pipeline and therefore fell outside the common-carrier jurisdiction of the LPSC. An LPSC administrative law judge disagreed and concluded Rosefield's operations were subject to common-carrier rules. The LPSC affirmed. Rosefield appealed to the 19th JDC, which remanded to the LPSC without ruling on the merits. The LPSC meanwhile issued a rule to show cause why Rosefield should not be held in contempt for failure to adhere to the LPSC's order.

The Court granted a supervisory writ, reversed the district court's order, and remanded to the district court. At this point, the administrative law judge had denied a request for reconsideration, so subject matter jurisdiction attached and review of the merits was ripe. The Court stayed the contempt hearing until the merits ruling. Reversed and remanded.

Per curiam.

Court vacates preliminary injunction suspending elections.

Bruce Coulon v. State of Louisiana, 2026-CD-01358 (La. 10/19/2026) [3 pp.]

Plaintiff filed suit challenging November 2, 2026, elections in Marksville and Bunkie. The district court granted a preliminary injunction on October 16, 2026, enjoining "the elections for City Judge of the Marksville City Court, City Judge of the Bunkie City Court, Ward Marshal Bunkie/Ward 10, and Ward Marshal Marksville/Ward 2."

The Court granted a supervisory writ in part, vacated the preliminary injunction, and ordered the elections to proceed as scheduled. It cited *Purcell v. Gonzalez*, 549 U.S. 1, 5-6 (2006), which allowed an election to proceed because of the imminence of the election and inadequate time to resolve the factual disputes. The Court explained that the matter was otherwise remanded to the district court for further proceedings and that defendant could pursue an appeal of the remaining issues in regular course. It did not provide details regarding the basis of plaintiff's challenge. Justice Guidry dissented. He opined that allowing elections to proceed under the cloud of a potentially unconstitutional map would undermine the integrity of our democratic elections and violate voter rights. He could not find that the district court's ruling was in error. Vacated and remanded.

Per curiam (Hughes, J., not participating); Guidry, J., dissenting with reasons; Griffin, J., would deny.

Sheriff could not contract away duties as chief law enforcement officer.

John Kite v. Rapides Parish Sheriff's Department, 2026-C-00550 (La. 10/21/2026) [5 pp.]

McKennedy Armstead was an inmate serving a sentence for a narcotics conviction at the Rapides Parish Detention Center in Alexandria. While on a work detail, he stole a city-owned truck, went to his mother's house, and retrieved a gun. His cousin then drove him to the Grant Parish home of his former girlfriend, Jonnie Ketchun Kite. The cousin later encountered law enforcement officers

searching for Armstead and told them he believed Armstead and Kite were at Kite's home. The officers obtained a search warrant. When they entered the home, they found both Armstead and Kite shot dead in an apparent murder-suicide. Plaintiffs, on behalf of Kite's minor children, filed this wrongful death action against the City of Alexandria, the Rapides Parish Sheriff's Department, and certain officials. The City moved for summary judgment, which the district court denied. The Third Circuit denied writs, with one judge voting to grant and docket. In an earlier opinion, the Court reversed and rendered summary judgment for the City. *See LSCR* Vol. 33, No. 3. On rehearing, it vacated that opinion and remanded. *See LSCR* Vol. 33, No. 6.

Back in the district court, the Sheriff and his insurer moved for summary judgment. They argued that a contract between the Sheriff and the City placed responsibility on the City for training and supervising the commissioned deputies and Armstead, such that they were not Sheriff's employees for purposes of La. Civ. Code art. 2320, which controls employer liability. It was undisputed the commissioned deputies overseeing Armstead were not full-time deputies and had received no training from the Sheriff. The district court granted the Sheriff's motion, and the Third Circuit affirmed.

The Court granted a supervisory writ and reversed. Resorting to art. 2320 was not necessary. Except in Orleans Parish, sheriffs have a mandatory constitutional duty to be the chief law enforcement officers for their respective parishes. La. Const. art. V, § 27. Multiple statutes reaffirm that mandate. If a specific duty falls within the ambit of the Sheriff's duty as chief law enforcement officer, the duty cannot be abdicated. As chief law enforcement officer, the Sheriff here had a duty to properly train deputies and to protect the public from incarcerated inmates. A sheriff is liable for the actions of his deputies, full-time or otherwise, performed during the course and scope of their commission, as well as for training such individuals. Sheriffs may enter into contracts for assistance with their duties, such as with work-release programs, but they cannot abdicate their ultimate liabilities by way of such contracts. Thus, the lower courts erred in finding a contractual basis for dismissing the Sheriff.

Turning to alternate arguments, plaintiffs conceded that La. R.S. § 15:708(H) requires a showing of gross negligence but argued summary judgment was not appropriate. The court of appeal had not addressed the issue of gross negligence. The Court found genuine issues of material fact remained as to gross negligence, including what other training could have prevented the injuries here, how Armstead escaped, why he was allowed in the work-release program, and whether additional steps could have prevented his escape or participation in the program. Thus, summary judgment was improper. Reversed and remanded.

Per curiam; Weimer, C.J., & Burris, J., concurring.

CRIMINAL

Court remands for analysis of obstruction of justice sentence given that murder conviction was vacated.

State v. Kayla Jean Giles Coutee, 2023-K-01549 (La. 10/06/2026) [4 pp.]

Defendant and her ex-husband, Thomas Coutee, Jr., were involved in a contentious divorce and child-custody dispute when, on September 8, 2018, they exchanged custody of their two-year-old daughter in an Alexandria Wal-Mart parking lot. Defendant shot and killed Thomas after the exchange. She testified that she was in her vehicle, ready to leave, when Thomas approached and "jerked" her driver's door open, and that she fired her gun out of fear. At trial she relied on Louisiana's "stand your ground" law, La. R.S. § 14:20, but the jury convicted her of second-degree

murder and obstruction of justice. The district court sentenced defendant to the mandatory term of life imprisonment for the murder conviction plus a consecutive term of 30 years for obstruction of justice. The Third Circuit affirmed, but the Court, in a July 27, 2025, opinion, reversed the second-degree murder conviction after finding the district court reversibly erred in including a jury instruction on the aggressor doctrine. *See LSCR* Vol. 33, No. 7. It remanded to the court of appeal to consider whether the evidence was sufficient to support the obstruction of justice conviction and, if the court of appeal affirmed that conviction, to reconsider defendant's argument that the 30-year sentence was excessive.

On remand the court of appeal found defendant's challenge to her obstruction of justice conviction lacked merit. It concluded that, when viewed in the light most favorable to the prosecution, "the evidence shows that Defendant tried to conceal evidence of premeditation in a case in which she claimed self-defense." It affirmed its previous decision that the 30-year sentence was not excessive.

The Court granted a supervisory writ. It noted that the defense of justification was based on defendant's right to stand her ground, not on self-defense. The Court also noted that the court of appeal relied "more strongly" on the "uncontested fact that Defendant shot and killed her estranged husband." The State was required to disprove beyond a reasonable doubt the presumption that defendant was entitled to stand her ground under § 14:20. Given that defendant's murder conviction was vacated, the court of appeal's reliance on evidence of "premeditation" begged the question of whether there was premeditation of murder or premeditation to legally stand her ground should the necessity arise. As for the sentence, the court of appeal's reasons were clearly tethered to the murder conviction. There was no analysis of defendant's obstruction of justice sentence taking into account the fact that the murder conviction was vacated. Thus, the Court remanded to the district court to evaluate the conviction and sentence for obstruction of justice considering the vacatur of the murder conviction. Chief Justice Weimer concurred, explaining that although he dissented from the Court's earlier opinion reversing the murder conviction, he was constrained to agree that remand was necessary to evaluate whether reversal of the murder conviction impacted the obstruction of justice sentence. Remanded.

Per curiam; Weimer, C.J., concurring with reasons; Griffin, J., concurring; Guidry, J., concurring for reasons assigned by Weimer, C.J.

Court orders court of appeal to act on writ application.

State v. Ron Cleon Johnson, 2026-KH-01054 (La. 10/06/2026) [2 pp.]

Defendant represented that the Third Circuit failed to act on a supervisory writ application he filed on April 8, 2026. The Court granted a supervisory writ and, if defendant's representation was correct, ordered the court of appeal to consider and act on the application and provide proof of its compliance within 30 days. Remanded.

Per curiam; Weimer, C.J., Cole & Burris, JJ., would deny.

Court reinstates original sentence after court of appeal went beyond authority on patent error review.

State v. Antonio Markuez Brown, 2026-K-00107 (La. 10/06/2026) [2 pp.]

Defendant was convicted of one count of obscenity under La. R.S. § 14:106(A)(1). A woman and her son testified that defendant approached them on a public street and exposed himself after saying, "I'm going to f*** this b****." He was sentenced to 12 months without hard labor with all but

time served suspended. On appeal to the Second Circuit, defendant argued the evidence was insufficient to convict him. He did not deny he made the statements or that he exposed himself, but instead argued the exposure was accidental and occurred for only a few seconds. The court of appeal rejected that argument and affirmed his conviction. In addition, the court of appeal found two errors patent discoverable on the face of the record. First, the district court failed to advise defendant of the prescriptive period for seeking post-conviction relief. The court of appeal cured that error by advising defendant of the prescriptive period. Second, the court of appeal found that because the woman's son was 15 years old and present at the offense, defendant should have been sentenced under La. R.S. § 14:106(G)(4), applicable when the offense occurs in the presence of an unmarried person under the age of 17. In that case § 14:106(G)(4) mandates a sentence of imprisonment of not less than two years nor more than five years, without benefit of parole, probation, or suspension of sentence. The court of appeal vacated the sentence and remanded for the district court to sentence defendant under § 14:106(G)(4).

The Court granted a supervisory writ and unanimously reversed in part. The court of appeal erred in finding on patent error review that defendant's sentence was illegally lenient. The bill of information did not charge defendant with committing an act of obscenity in the presence of an unmarried person under the age of 17. The Court cited La. Code Crim. Proc. art. 920, restricting error patent review to inspection of the pleadings without inspection of the evidence. The Court reversed the portion of the court of appeal's opinion that vacated defendant's sentence. It ordered the district court's sentence reinstated. Reversed in part; sentence reinstated.

Per curiam.

Court remands for bail reduction hearing.

State v. Jared Marcus Wiggins, 2026-KK-01252 (La. 10/08/2026) [5 pp.]

Defendant was arrested at his home in St. James Parish on charges of armed robbery and home invasion in Assumption Parish. Per Assumption Parish Sheriff's Office procedure, a "fugitive warrant" was issued for defendant so that he could be arrested in St. James Parish and brought to Assumption Parish. Defendant had no prior criminal record. Bail was initially set at $700,000 because the district court was uncertain whether defendant was a fugitive from justice. At a subsequent bail reduction hearing, another division of the court determined that the "fugitive warrant" procedure should not be considered in determining an appropriate bail amount but declined to reduce bail based on the nature of the charges. The First Circuit denied defendant's writ application, with Judge Fields dissenting. Based on defendant's lack of criminal record and lack of ability to pay the $700,000 bail, Judge Fields would have remanded for a hearing to review the factors set forth in La. Code Crim. Proc. art. 316 and set bail in a reasonable amount.

The Court granted a supervisory writ, finding legal error in the district court's analysis when it failed to reduce the $700,000 bond. The Court remanded for a bail reduction hearing to consider the factors set forth in arts. 316, 318, and 320 based on the totality of the circumstances. Chief Justice Weimer concurred, agreeing with the decision to remand and providing additional details. He explained that defendant clearly was not a fugitive from justice, that it was legal error to determine bail based on that initial classification, and that the district court failed to consider all factors and provisions of arts. 316, 318, and 320. Justice Griffin also concurred, agreeing that the bail was constitutionally excessive and concluding that $100,000 would be an appropriate amount. Remanded.

Per curiam; Weimer, C.J., & Griffin, J., concurring with reasons.

Court vacates habitual offender adjudication and remands for analysis of cleansing period.

State v. Cassetti Dewayne Brown, Jr., 2026-KH-00251 (La. 10/13/2026) [3 pp.]

In 2018 defendant was found guilty of drug and firearms offenses committed in 2017. He was adjudicated a habitual offender and sentenced. His sentence has been the subject of motions, writ applications, appeals, and remands. Pertinent here, he filed a motion to correct illegal sentence, which the district court denied. The Third Circuit granted his writ application but denied relief.

The Court granted a supervisory writ and unanimously vacated the habitual offender adjudication. The Court cited its decision in *State v. Diano*, 2024-0888 (La. 03/21/25), 403 So. 3d 530, 536; *LSCR* Vol. 33, No. 3, for the rule that any period of time a defendant is incarcerated or subject to correctional supervision for a conviction that is subsequently reversed and the underlying charges dismissed shall be included and counted when calculating the "cleansing period" between prior convictions relied on by the State at a habitual offender adjudication. Here, during the period of time between defendant's commission of the 2017 offenses and his previous conviction in 2006, he was convicted of another offense in 2011. The 2011 conviction, however, was subsequently reversed and the underlying charges dismissed. As a result, the Court vacated the habitual offender adjudication and remanded for a new habitual offender hearing. At that hearing, the State must establish the date on which defendant's prior term of imprisonment or correctional supervision expired and show it was no more than five years before the date of the current offense. Those dates were not apparent from the record. Sentence vacated; remanded.

Per curiam.

Court orders court of appeal to act on writ application.

State v. Jimmie Dale Breaux, 2026-KH-00977 (La. 10/13/2026) [2 pp.]

Defendant represented that the Third Circuit failed to act timely on a supervisory writ application filed in December 2025. The Court granted a writ of mandamus. If defendant's representation was correct, it ordered the court of appeal to consider and act on the application. If the representation was incorrect, it ordered the court of appeal to accept, file, and act on the pleading. The Court also ordered the court of appeal to provide the Court with a copy of its judgment.

Per curiam; Burris, J., dissenting, would deny.

Court orders district court to comply with December 2025 order.

State v. Andrew D. Wetzel, 2026-KH-00811 (La. 10/13/2026) [2 pp.]

In December 2025 the Court ordered the 19th JDC to accept, file, and act on defendant's pleading seeking relief related to parole. *See LSCR* Vol. 34, No. 1. Defendant moved to enforce, contending the district court had not complied with the order. The Court granted the motion and ordered the district court to comply within 30 days and to provide proof of compliance.

Per curiam; Guidry & Burris, JJ., recused.

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