

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

AUBREY SMITH, ET AL

NO. 2013 CW 2080

VERSUS

ENERGY CORPORATION, CHARTER
COMMUNICATIONS, LLC, STATE
OF LOUISIANA THROUGH THE
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

DECEMBER 5, 2013

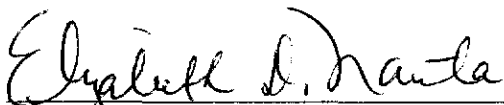
In Re: ENERGY OF LOUISIANA, LLC AND CHARTER COMMUNICATIONS,
LLC, applying for supervisory writs, 21st Judicial
District Court, Parish of Tangipahoa, No. 2007-
0002331.

BEFORE: PARRO, GUIDRY, AND PETTIGREW, JJ.

WRIT GRANTED. The November 15, 2013 ruling of the trial court, ordering the jury stricken from the upcoming trial, is reversed. The State of Louisiana, through the Department of Transportation and Development, a party in this lawsuit, is entitled to a jury trial without posting a jury bond, pursuant to La. R.S. 13:5105 (B) and (E). The right to a trial by jury in a civil case is a basic right and should be protected in the absence of specific authority for its denial. **Spencer v. State ex rel. Dept. of Transp. and Development**, 2003-0539 (La. App. 1st Cir. 8/11/04), 887 So.2d 28. When a party makes a timely request and complies with the other procedural requisites, its right to a jury trial cannot be violated. **Id;** See also La. Code Civ. P. art. 1736. We hereby remand this matter for further proceedings.

RHP
JMG
JTP

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DEPUTY CLERK OF COURT
FOR THE COURT