

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 CW 0676

VERSUS

KEE FOOD, INC., KASSIM NAGI,
TAWFIQ ALI ALMANSOOB,
MOHAMED NAGI, SOUTHLA, LLC

AUG 06 2014

In Re: Kee Food, Inc., Kassim Nagi, Mohammed Nagi, Southla, LLC, applying for supervisory writs, 32nd Judicial District Court, Parish of Terrebonne, No. 170587.

BEFORE: McCLENDON, WELCH, THERIOT, CRAIN AND DRAKE, JJ.


WRIT GRANTED. The September 24, 2013 judgment of the trial court granting defendants' Motion to Transfer, and the April 29, 2014 judgment of the trial court denying defendants' Motion to Re-Transfer, are in conflict with La. C.C.P. art. 253.2. This matter is hereby transferred to Division "D."

WJC
MRT

McClendon and Welch, JJ., concur. The transfer of this matter conflicts with La. C.C.P. art. 253.1, which mandates the random allotment of cases in the district courts, and La. C.C.P. art. 253.2, which governs the limited circumstances under which a pending case may be transferred and reassigned. Further, there is no conclusive evidence confirming the adoption of the local court rule on which the judgments in this matter were based. In the event the alleged rule has been adopted, the criminal matter and the action for civil forfeiture are distinct causes of action and therefore involve different elements, requiring the application of different procedures and different burdens of proof. Therefore, the rule would not promote judicial efficiency.

Drake, J., dissents and would deny the writ application.

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DEPUTY CLERK OF COURT
FOR THE COURT