

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

BATON ROUGE PHYSICAL
MEDICINE & REHAB, LLC AND
SUZANNE UTRERA

NO. 2014 CW 1011

VERSUS

CAREY KANNON

SEPTEMBER 16, 2014

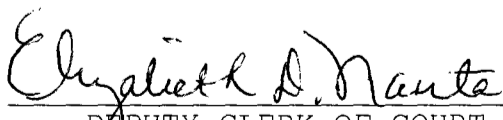
In Re: Cary Kannon, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 604363.

BEFORE: KUHN, PETTIGREW AND WELCH, JJ.

WRIT GRANTED AND REMANDED. The trial court's May 29, 2014 judgment, denying defendant's Peremptory Exception of No Right of Action, is hereby reversed and judgment is entered in favor of the relator. Baton Rouge Physical Medicine, LLC does not have a real or actual interest to cancel the lease or to demand damages for the alleged breach of the lease. See **Estate of Mayeaux v. Glover**, 2008-2031, 2008-2032, 2008-2033 (La. App. 1st Cir. 1/12/10), 31 So.3d 1090, writ denied, 2010-0312 (La. 4/16/10), 31 So.3d 1069. Therefore, the writ is granted and this matter is remanded to the trial court with instructions to allow respondent 30 days to amend her petition pursuant to La. C.C.P. art. 934.

JTP
JEW
JEK

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT