

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

ELLEN SONNIER AND MARK
SONNIER ON BEHALF OF TALON
SONNIER, A MINOR CHILD V.
TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR SALES, U.S.A.,
INC., WAYNE JAMES AGNELLY
AND GEICO CASUALTY COMPANY

NO. 2018 CW 0199

APRIL 6, 2018

CONSOLIDATED WITH

AMY NEWMAN V. DIAMOND MOTORS
OF WALKER, LLC, ET AL

In Re: State Farm Mutual Automobile Insurance Company,
applying for supervisory writs, 18th Judicial District
Court, Parish of Pointe Coupee, No. 46177 c/w 46207.

BEFORE: WHIPPLE, C.J., McDONALD, HIGGINBOTHAM, CHUTZ AND PENZATO, JJ.

WRIT GRANTED. The trial court erred in denying Relator's exception raising the objection of no right of action. La. R.S. 32:701, *et seq.* does not create a private right of action to allow tort victims to pursue personal injury claims against those who allegedly violate the provisions of the Vehicle Certificate of Title Law. See **Anderson v. Ochsner Health Sys.**, 2013-2970 (La. 07/01/14), 172 So.3d 579, 581, employing rules of statutory interpretation to determine whether the legislature intended to create a private right of action. See also **Louisiana Hosp. Ass'n v. State**, 2013-0579 (La. App. 1 Cir. 12/30/14), 168 So.3d 676, 686, writ denied sub nom., **Louisiana Hosp. Ass'n v. State ex rel. Dep't of Ins.**, 2015-0215 (La. 5/1/15), 169 So.3d 372, "The meaning and intent of a law is determined by considering the law in its entirety and all other laws on the same subject matter and placing a construction on the provision in question that is consistent with the express terms of the law and with the obvious intent of the legislature in enacting it." Consequently, that portion of the trial court's judgment, dated January 9, 2018, denying State Farm Mutual Insurance Company's exception raising the objection of no right of action is hereby reversed, and State Farm is dismissed as a party from this proceeding.

JMM
TMH
WRC
AHP


Whipple C.J., dissents and would not consider the writ. Relator failed to provide proof that this writ application is timely under Uniform Rules of Louisiana Courts of Appeal, Rule 4-3. Pursuant to the order on Relator's notice of intent, the return date was within "30 days of this court's issuance of its written judgment..." The record does not contain a notice of signing, and the Clerk of Court's stamp on the judgment is ambiguous and does not expressly state the date the notice was sent to the parties. This court cannot determine when the

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judgment was "issued" and, as a result, whether Relator's writ application was timely filed.

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DEPUTY CLERK OF COURT
FOR THE COURT