

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STACY HENRY

NO. 2018 CW 0697

VERSUS

GARY F. NORMAN, ET AL.

**OCT 17 2018**

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In Re: P&S Transportation, LLC, applying for supervisory writs, 18th Judicial District Court, Parish of West Baton Rouge, No. 43027.

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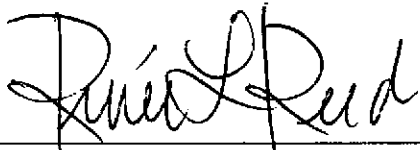
**BEFORE: McDONALD, McCLENDON, AND HOLDRIDGE, JJ.**

**WRIT GRANTED WITH ORDER.** This court questions whether the jurisprudence of the Fourth Circuit correctly interpreted the provisions of the Louisiana Code of Civil Procedure governing depositions, specifically as directed in ordering an appearance in Louisiana of a non-resident defendant. See **In Re Medical Panel of Hughes**, 2001-2313 (La. App. 4th Cir. 1/23/02), 807 So.2d 1074 and **Hayden v. 3M Company**, 2016-1030 (La. App. 4th Cir. 2/3/17), 211 So.3d 528, writs denied, 2017-0383, 2017-0384 (La. 3/3/17), 216 So.3d 799. Nevertheless, based upon the arguments of both parties herein, who rely on matters that were not properly admitted into evidence at the trial court, this court has determined it necessary to remand this matter for a full evidentiary hearing. The trial court's April 23, 2018 judgment is vacated, in part, as to the court's order that defendant, P&S Transportation, LLC, shall appear for its deposition in New Orleans. This matter is remanded to the trial court for an evidentiary hearing on the issue of the place where the corporate deposition of defendant, P&S Transportation, LLC, shall be conducted.

GH  
JMM

**McClendon, J., concurs.**

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DEPUTY CLERK OF COURT  
FOR THE COURT