

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

AMPIRICAL SOLUTIONS, L.L.C

NO. 2018 CW 0731

VERSUS

LOUISIANA DEPARTMENT OF
ECONOMIC DEVELOPMENT, STATE
OF LOUISIANA AND STEPHEN
MORET, IN HIS CAPACITY AS
SECRETARY OF THE DEPARTMENT
OF ECOMOMIC DEVELOPMENT,
STATE OF LOUISIANA

OCT 15 2018

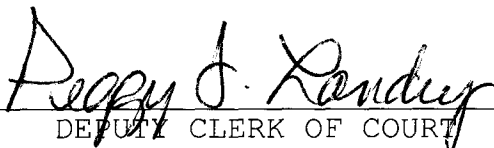
In Re: State of Lousiana, Through the Department of Economic Development, and Don Pierson, Secretary of the Department of Economic Development, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 636093.

BEFORE: PETTIGREW, McCLENDON, AND HIGGINBOTHAM, JJ.

WRIT GRANTED. The trial court committed legal error in remanding the matter to the Louisiana Department of Economic Development ("the LED") for a full hearing and briefing, at the May 21, 2018 hearing on the LED's Motion for Protective Order Regarding Discovery and Motion to Sever and Stay the Declaratory Judgment Claim. The remand order constitutes a determination of the merits of Ampirical Solutions L.L.C.'s denial of due process claim against the LED, which was not before the trial court at the May 21, 2018 hearing. The LED, thus, did not have adequate notice of the trial of the due process claim. See La. Code Civ. P. art. 1571. Accordingly, the portion of the trial court's June 1, 2018 order finding that "the underlying claim is remanded to the Louisiana Department of Economic Development to conduct a full hearing and briefing, including the receipt of testimony and documents related to whether the plaintiff incurred qualified research expenses" is hereby vacated, and this matter is remanded to the trial court for further proceedings.

TMH
JTP
PMc

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DEPUTY CLERK OF COURT
FOR THE COURT