

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

MURPHY J. PAINTER

NO. 2018 CW 1265

VERSUS

STATE OF LOUISIANA, THROUGH THE OFFICE OF THE GOVERNOR, THE DEPARTMENT OF REVENUE AND TAXATION, ALCOHOL TOBACCO CONTROL COMMISSION, CYNTHIA BRIDGES, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE DEPARTMENT OF REVENUE AND TAXATION, THE OFFICE OF STATE INSPECTOR GENERAL, AND STEPHEN STREET, IN HIS OFFICIAL CAPACITY AS STATE INSPECTOR GENERAL

DEC 26 2018

In Re: Shane Evans, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 604308.

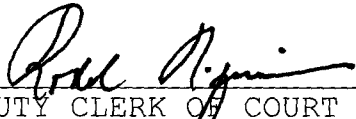
BEFORE: GUIDRY, THERIOT, AND PENZATO, JJ.

WRIT GRANTED. The district court's March 9, 2018, ruling denying Shane Evans' Peremptory Exception of No Cause of Action to Murphy J. Painter's Seventh Amended Petition is hereby reversed. Murphy J. Painter failed to plead facts sufficient to state a claim for his remaining claims (following the partial grant of the Special Motion to Strike by this court in 2018 CW 1289) against Shane Evans. As such, Shane Evans' Peremptory Exception of No Cause of Action is granted, and Murphy J. Painter's remaining claims asserting a violation of his Fourth Amendment rights and abuse of process against Shane Evans are hereby dismissed with prejudice.

MRT
AHP

Guidry, J., concurs in part and dissents in part. I would afford Murphy J. Painter an opportunity to amend his petition in accordance with La. Code Civ. P. art. 934.

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DEPUTY CLERK OF COURT
FOR THE COURT