

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

GOVERNOR JOHN BEL EDWARDS

NO. 2021 CW 0950
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VERSUS

LOUISIANA STATE LEGISLATURE,
LOUISIANA HOUSE OF
REPRESENTATIVES, AND CLAY
SCHEXNAYDER, IN HIS OFFICIAL
CAPACITY AS SPEAKER OF THE
LOUISIANA HOUSE OF
REPRESENTATIVES

OCTOBER 6, 2021

In Re: State of Louisiana, through the Attorney General Jeff Landry, and Clay Schexnayder, in his official capacity as speaker of the Louisiana House of Representatives, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 700923.

BEFORE: GUIDRY, WELCH, THERIOT, LANIER, AND HESTER, JJ.

WRIT GRANTED. This court notes, sua sponte, that this case is moot; therefore, no subject matter jurisdiction exists. See **Firestone Polymers, L.L.C. v. Louisiana Department of Environmental Quality**, 2019-0308 (La. App. 1st Cir. 5/28/20), 304 So.3d 1056, 1063, writ denied, 2020-01152 (La. 11/18/20), 304 So.3d 417, finding no subject matter jurisdiction existed where the plaintiffs' claim for declaratory judgment was moot. An appellate court has a duty to examine subject matter jurisdiction sua sponte, even when the issue is not raised by the litigants. A case is moot when a rendered judgment or decree can serve no useful purpose and give no practical relief or effect. **Id.** at 1064. Here, the linchpin of Governor John Bel Edwards's petition for declaratory judgment is that the petition adopted by the House of Representatives ("the House petition") is null, void, and unenforceable because it was adopted pursuant to La. R.S. 29:768(B), which, itself, is unconstitutional. He further maintains that the House petition is null, void, and unenforceable because the signatories failed to consult with the public health authority before adopting the petition, as required by La. R.S. 29:768(B), and because the House Petition was adopted in contravention of La. Const. Art. III, §15(A) concerning open, public meetings. The House petition seeks to terminate 134 JBE 2020 and instructs Governor Edwards to issue an executive order or proclamation terminating this emergency proclamation. However, 134 JBE 2020 expired by its own terms on November 6, 2020. Therefore, the House petition is moot, and the declaratory relief sought by Governor Edwards is also moot. For the same reasons, any remaining claims asserted by the Speaker

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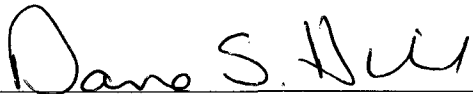
of the House, seeking an order of mandamus to compel Governor Edwards to issue an order or proclamation terminating 134 JBE 2020, are likewise moot. Finding the trial court had no jurisdiction to enter judgment, we vacate the district court's July 19, 2021 judgment and dismiss this suit as moot.

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WIL
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Guidry, J., concurs in the result reached by the majority.

Theriot, J., dissents and would deny the writ.

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT