

**STUART H. SMITH, RODNEY
STEPHENS, DAVID A.
VEAZEY, GUADALUPE
GAMEZ, AND NEAL LANEY**

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**NO. 2010-CA-1464
COURT OF APPEAL
FOURTH CIRCUIT
STATE OF LOUISIANA**

VERSUS

**CITY OF NEW ORLEANS,
THROUGH ITS DIRECTOR OF
DEPARTMENT OF PUBLIC
WORKS, JOHN H. SHIRES,
PARKING ENFORCEMENT
OFFICERS FOR UNIT 10,
BEAT 100 (P. HARRIS, BADGE
139) (THOMAS, BADGE103)
AND C. WILLIAM, BADGE 78),
DIRECTOR OF DEPARTMENT
OF SAFETY AND PERMITS,
MICHAEL CENTINEO, ET AL.**

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BONIN, J., CONCURS WITH REASONS.

I respectfully concur in affirming the judgment in favor of Standard.

I specially concur in affirming the judgment in favor of Smith and against the City because we decided the matter on appeal, as the district court should have, on a dispositive non-constitutional ground. *See, e.g., La. Municipal Ass'n v. State*, 04-0227, p. 34 (La. 1/19/05), 893 So. 2d 809, 836; *Sims v. Mulhearn Funeral Home, Inc.*, 07-0054, p. 6 (La. 5/22/07), 956 So. 2d 583, 588 (“we pay heed to the well-settled precept that courts should refrain from reaching or deciding the constitutionality of legislation unless, in the context of a particular case, the resolution of the constitutional issue is essential to the decision or controversy”).