

**INDEPENDENT REAL
ESTATE INVESTMENT
GROUP, LLC**

VERSUS

BRONWYN ALFANO

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NO. 2019-CA-0118

COURT OF APPEAL

FOURTH CIRCUIT

STATE OF LOUISIANA

LEDET, J., CONCURS WITH REASONS

I disagree with the majority’s finding that the appellee, Darnay Kastl, did not make a general appearance, waiving his declinatory exception of improper service. Filing of a pleading constitutes a general appearance. *See Dazet Mortgage Sols. LLC v. Faia*, 12-486, p. 5 (La. App. 5 Cir. 4/10/13), 116 So.3d 711, 715-16 (observing that a party can waive an objection to the jurisdiction of the court by an appearance of record, which includes “filing a pleading, appearing at a hearing, or formally enrolling as counsel of record”). A motion is a pleading. *See* La. C.C.P. art. 852 (providing that “[t]he pleadings allowed in civil actions . . . shall consist of petitions, exceptions, written motions, and answers”).

Here, Mr. Kastl simultaneously filed both two exceptions—a declinatory exception of insufficiency of service and a peremptory exception of no cause of action—and a motion on the merits to remove the lien. By filing the motion, he made a general appearance.

Accordingly, I concur.