

CACH, LLC

NO. 16-CA-72

VERSUS

FIFTH CIRCUIT

THOMAS J. TUCKER

COURT OF APPEAL

STATE OF LOUISIANA

ON APPEAL FROM THE FORTIETH JUDICIAL DISTRICT COURT
PARISH OF ST. JOHN THE BAPTIST, STATE OF LOUISIANA
NO. 65,807, DIVISION "B"
HONORABLE MARY H. BECNEL, JUDGE PRESIDING

July 27, 2016

HANS J. LILJEBERG
JUDGE

Panel composed of Robert M. Murphy,
Stephen J. Windhorst, and Hans J. Liljeberg

DEFAULT JUDGMENT VACATED AND REMANDED

HJL

RMM

SJW

COUNSEL FOR PLAINTIFF/APPELLEE,
CACH, LLC

Blake E. Oakes
D. Michael Dendy

DEFENDANT/APPELLANT,
THOMAS J. TUCKER

In Proper Person

LILJEBERG, J.

This is defendant-appellant, Thomas J. Tucker's second appeal of this credit card collection matter. On March 11, 2015, this Court vacated a default judgment entered against Mr. Tucker and remanded the matter for further proceedings.

CACH, L.C.C. v. Thomas J. Tucker, 14-720 (La. App. 5 Cir. 3/11/15), 169 So.3d 580. This Court vacated the judgment in the first appeal because plaintiff-appellee, CACH, LLC ("CACH"), filed a brief with this Court indicating that it consented to the relief sought by Mr. Tucker and further agreed to have the matter remanded to the trial court.

On August 7, 2015, the trial court again confirmed a default judgment in favor of CACH and against Mr. Tucker. Mr. Tucker filed a notice of appeal, which the trial court granted on September 18, 2015. In his appellate brief, Mr. Tucker contends, *inter alia*, that he did not receive notice of the default judgment proceedings. On May 25, 2015, CACH, LLC filed a brief with this Court again consenting to the relief sought by Mr. Tucker on appeal and further agreeing to the remand the proceedings to allow Mr. Tucker "to appear in the trial court to present his defense."

Based on CACH's consent, we vacate the August 7, 2015 Judgment and remand the matter for further proceedings. *See* U.R.C.A. Rule 2-16.2.

DEFAULT JUDGMENT VACATED
AND REMANDED

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
ROBERT A. CHAISSON
ROBERT M. MURPHY
STEPHEN J. WINDHORST
HANS J. LILJEBERG

JUDGES



FIFTH CIRCUIT

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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY **JULY 27, 2016** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CHERYL Q. LANDRIEU
CLERK OF COURT

16-CA-72

E-NOTIFIED

40TH DISTRICT COURT (CLERK)
HONORABLE MARY H. BECNEL (DISTRICT JUDGE)
BLAKE E. OAKES (APPELLEE)

MAILED

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