

H3 AESTHETICS AND DERMATOLOGY, LLC

NO. 17-CA-344

VERSUS

FIFTH CIRCUIT

CELTIC CROSS CONSTRUCTION, LLC AND
MISHA KACHKACHISHVILI

COURT OF APPEAL

STATE OF LOUISIANA

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 762-751, DIVISION "F"
HONORABLE MICHAEL P. MENTZ, JUDGE PRESIDING

November 29, 2017

ROBERT A. CHAISSON
JUDGE

Panel composed of Judges Jude G. Gravois,
Marc E. Johnson, and Robert A. Chaisson

APPEAL DISMISSED

RAC

JGG

MEJ

COUNSEL FOR PLAINTIFF/APPELLEE,
H3 AESTHETICS AND DERMATOLOGY

Stephen K. Conroy
Amanda D. Hogue

COUNSEL FOR DEFENDANT/APPELLANT,
MISHA KACHKACHISHVILI

Leslie J. Hill

CHAISSON, J.

On July 15, 2016, H3 Aesthetics and Dermatology, LLC (“H3”), filed a petition for damages in the 24th Judicial District Court in Jefferson Parish naming as defendants Celtic Cross Construction, LLC and Misha Kachkachishvili in a dispute arising out of a construction buildout of doctor’s offices and medical spa on property located on Bienville Street in New Orleans.

During the course of the litigation, H3 filed a motion to compel discovery wherein it requested the trial court to compel Mr. Kachkachishvili to respond to interrogatories and requests for production that it had propounded upon him. Four days before the scheduled hearing on the motion to compel, Mr. Kachkachishvili produced responses to the discovery. After the hearing on the motion, the trial court rendered judgment in which it declared the Motion to Compel Discovery moot because Mr. Kachkachishvili had produced the discovery responses; however, the trial court ordered Mr. Kachkachishvili to pay attorney’s fees and costs associated with the motion. It is from that portion of the judgment that ordered him to pay attorney’s fees and costs that Mr. Kachkachishvili now appeals.

DISCUSSION

Pursuant to Louisiana Code of Civil Procedure article 1841, a judgment that does not determine the merits of a case but only preliminary matters in the course of the action is an interlocutory judgment. An interlocutory judgment is appealable only when expressly provided by law. La. C.C.P. art. 2083(C). A judgment declaring a motion to compel discovery moot and awarding attorney’s fees and costs for the bringing of that motion is an interlocutory judgment. *Gorvine v. Travelers Ins. Cos.*, 98-0287 (La. App. 4 Cir. 11/18/98), 724 So.2d 248, 250; *Succession of Holliday*, 576 So.2d 1155, 1156 (La. App. 3 Cir. 1991), writ denied, 581 So.2d 708 (La. 1991). We therefore have no appellate jurisdiction to consider the merits of the trial court's ruling. An appeal may be dismissed at any time for

lack of jurisdiction of the appellate court. La. C.C.P. art. 2162; *Green Tree Servicing, LLC v. Chopin*, 16-244 (La. App. 5 Cir. 12/07/16), 207 So.3d 631; *O’Krepki v. O’Krepki*, 17-130 (La. App. 5 Cir. 10/25/17), 2017 La. App. LEXIS 2047. Accordingly, this appeal is dismissed.

APPEAL DISMISSED

SUSAN M. CHEHARDY
CHIEF JUDGE

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



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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 **NOVEMBER 29, 2017** 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

17-CA-344

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)

HONORABLE MICHAEL P. MENTZ (DISTRICT JUDGE)

STEPHEN K. CONROY (APPELLEE)

LESLIE J. HILL (APPELLANT)

BRIAN S. SCHAPS (APPELLEE)

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