

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

M & R DRYWALL, INC.

NO. 2013 CW 0264

VERSUS

MAPP CONSTRUCTION, L.L.C.
SOUTHGATE TOWERS, L.L.C.
AND R.W. DAY AND
ASSOCIATES, INC.

CONSOLIDATED WITH

SOUTHGATE RESIDENTIAL
TOWERS, LLC, SOUTHGATE
PENTHOUSES, LLC

VERSUS

MAPP CONSTRUCTION, INC.,
ET AL.

APR 24 2013

In Re: American Vehicle Insurance Company, applying for
supervisory writs, 19th Judicial District Court,
Parish of East Baton Rouge, No. 529,351 c/w
550,534.

BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, JJ.

WRIT GRANTED. Due process requires adequate notice to the parties of the matters that will be adjudicated. See **Glover v. Medical Center of Baton Rouge**, 97-1710 (La. App. 1st Cir. 6/23/98), 713 So.2d 1261. The Motion to Lift Stay Against Subcontractor Insurers on the Claims Relating to the Exterior Wall and Electrical System at Southgate filed by Southgate Residential Towers, LLC and Southgate Penthouses, LLC did not request a lifting of the stay with respect to Southgate's claims against relator American Vehicle Insurance Company. We further note that American Vehicle Insurance Company did not file an opposition to the motion, nor did it participate in the hearing on the motion. Therefore, the trial court erred as a matter of law by entering a judgment lifting the stay of Southgate's claims against American Vehicle Insurance Company because American Vehicle Insurance Company was not provided with adequate notice of the matters to be adjudicated. Therefore, the trial court's January 18, 2013 judgment is hereby reversed to the extent it lifted the stay of Southgate's claims against American Vehicle Insurance Company.

TMH
VGW

McClendon, J., concurs.

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT