

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

FAITH GOLDSMITH SUMNER,  
INDIVIDUALLY, AND ON BEHALF  
OF THE DECEDENT, TIMOTHY W.  
SUMNER, SR., AND AS NATURAL  
TUTRIX OF THEIR MINOR  
CHILDREN, DIANNE SUMNER,  
TIMOTHY W. SUMNER, JR.,  
TREMAIN MAJOR SUMNER,  
TIMBERLY GOLDSMITH, MR.  
TRINITY SUMNER, SEVENTH LUV  
SUMNER, ZALYLA SUMNER AND  
BABY RENEE SUMNER

NO. 2013 CW 0576

VERSUS

CANADIAN NATIONAL RAILWAY  
COMPANY, ILLINOIS CENTRAL  
RAILROAD COMPANY, TOWN OF  
WALKER, LOUISIANA, LIVINGSTON  
ECONOMIC DEVELOPMENT COUNCIL,  
INC., LIVINGSTON PARISH  
COUNCIL AND THE STATE OF LOUISIANA,  
THROUGH THE DEPARTMENT OF  
TRANSPORTATION AND DEVELOPMENT

**MAY 20 2013**

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In Re: Town of Walker, applying for supervisory writs,  
21st Judicial District Court, Parish of  
Livingston, No. 124,207.


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**BEFORE: KUHN, PETTIGREW AND McDONALD, JJ.**

**WRIT DENIED.** Insofar as the criteria of **Herlitz Const. Co., Inc. v. Hotel Investors of New Iberia, Inc.**, 396 So.2d 878 (La. 1981) are not met in this case, this Court declines to exercise its supervisory jurisdiction.

JTP  
JMM  
JEK

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT  
FOR THE COURT