

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

EARL BYRD AND LOUISIANA FARM
BUREAU CASUALTY INSURANCE
COMPANY

NO. 2013 CW 1000

VERSUS

OWENS SERVICE & COLLISION
CENTER, LLC

DEC 20 2013

In Re: Owens Service & Collision Center, LLC, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 613,983.

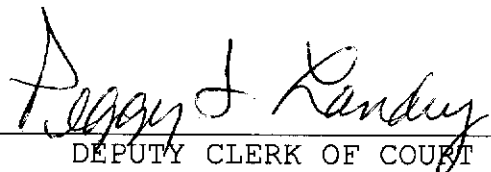
BEFORE: WHIPPLE, C.J., GUIDRY, McCLENDON, WELCH AND CRAIN, JJ.

WRIT DENIED. The Louisiana Supreme Court set forth the criteria for the exercise of supervisory jurisdiction by an appellate court in **Herlitz Const. Co. v. Hotel Investors of New Iberia, Inc.**, 396 So.2d 878 (La. 1981). Insofar as the criteria of Herlitz are not met in this case, this Court declines to exercise its supervisory jurisdiction. Relator has an adequate remedy by review on appeal after a final judgment on the merits.

WJC
JMG
PMC

WHIPPLE, C.J., AND WELCH, J., dissent and would grant the writ, finding that resolution of this matter is not appropriate for summary judgment.

COURT OF APPEAL, FIRST CIRCUIT


DEPUTY CLERK OF COURT

FOR THE COURT