

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

KANDI SMITH

NO. 2013 CW 1460

VERSUS

FIREFIGHTERS' RETIREMENT
SYSTEM AND BRANDON THOMAS
SMITH

NOV 25 2013

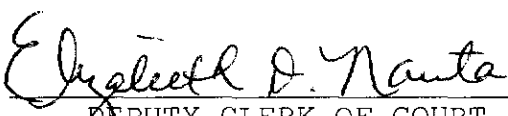
In Re: Firefighters' Retirement System, applying for
supervisory writs, 19th Judicial District Court,
Parish of East Baton Rouge, No. 604927.

BEFORE: PETTIGREW, McDONALD AND McCLENDON, JJ.

WRIT GRANTED IN PART WITH ORDER. The district court's August 12, 2013 judgment that denied the Firefighters' Retirement System's motion for summary judgment is hereby reversed, insofar as La. R.S. 11:2256(B)(1)(f) does not violate Article 1, Sections 2, 3, 4(A), or 4(B)(1) of the Louisiana Constitution of 1974, or the Fourteenth Amendment to the United States Constitution. Accordingly, Kandi Smith's claims against the Firefighters' Retirement System arising out of the constitutionality of La. R.S. 11:2256(B)(1)(f) are dismissed, and this matter is remanded to the district court for proceedings in accordance herewith.

JMM
PMc
JTP

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DEPUTY CLERK OF COURT
FOR THE COURT