

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

ESTATE OF ROBERT E. RIGGS

NO. 2013 CW 1940

VERSUS

WAY-JO, LLC, C/W SARAH M.
KENT V. THE SUCCESSION OF
ROBERT E. RIGGS AND WAY-JO,
LLC

MAR 07 2014

In Re: Way-Jo, LLC, applying for supervisory writs, 21st
Judicial District Court, Parish of St. Helena, No.
19,728 c/w 20,714.

BEFORE: KUHN, HIGGINBOTHAM AND THERIOT, JJ.

WRIT GRANTED. We find that the trial court abused its discretion in denying Way-Jo, L.L.C.'s Motion to Tax Costs "as to costs for deposition transcripts and records entered into evidence at trial as well as to costs associated with the appeals to the Louisiana First Circuit Court of Appeal and Louisiana Supreme Court" (the "Motion"). Way-Jo, L.L.C. is the prevailing party in this action and, pursuant to this Court's December 28, 2012 judgment, costs were to be assessed against the Estate, Samuel and Luora Arthur, Anthony and Gail Cheramie, and Sarah Kent, as follows:

That portion of the trial court judgment casting the defendants, Way-Jo, L.L.C., John Bankston and Wayne Hagan, with all court costs is hereby reversed, and it is ordered that the Estate of Robert Riggs is to pay all expert witness fees owed to Dr. Ted Hudspeth and Mary Ann Sherry, as well as one-half of the remaining court costs incurred in these consolidated matters. The remaining one-half of the court costs are to be paid one-third by Samuel and Luora Arthur, one-third by Anthony and Gail Cheramie, and one-third by Sarah Kent.

In all other respects, the judgment of the trial court is affirmed.

It is further ordered that one-half of the costs of these consolidated appeals are to be paid by the Estate of Robert Riggs and the remaining one-half of the costs are to be paid one-third by Samuel and Luora Arthur, one-third by Anthony and Gail Cheramie, and one-third by Sarah Kent.

Pursuant to La. Code Civ. P. art. 1920, **this Court** unambiguously and indisputably taxed court costs and the costs of the consolidated appeals. Way-Jo, L.L.C.'s costs incurred in the appeal to this Court and in opposing writs in the Louisiana Supreme Court are costs of court and costs of the appeal. In addition, La. R.S. 13:4533 states, in relevant part, that the "costs of taking depositions and copies of acts used on the trial ... **shall** be taxed as costs." Thus, Way-Jo, L.L.C. is

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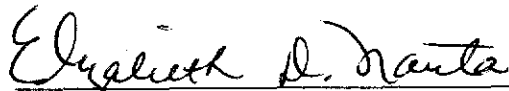
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entitled to recover costs for the depositions and exhibits which were entered into evidence at trial. Accordingly, the trial court's October 7, 2013 judgment that denied Way-Jo, L.L.C.'s Motion is hereby reversed and judgment is entered in favor of Way-Jo, L.L.C. in the amount of \$1,027.18 for deposition costs, \$184.57 for exhibit costs, and \$461.38 for costs associated with the preparation and filing of Way-Jo, L.L.C.'s appeal briefs and oppositions to writ. Thus, Way-Jo, L.L.C. is entitled to recover costs totaling \$1,673.13, to be paid one-third by Samuel and Luora Arthur, one-third by Anthony and Gail Cheramie, and one-third by Sarah Kent. It is further ordered that the costs incurred in connection with the filing of the instant writ application are to be paid one-third by Samuel and Luora Arthur, one-third by Anthony and Gail Cheramie, and one-third by Sarah Kent.

JEK
TMH
MRT

COURT OF APPEAL, FIRST CIRCUIT



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FOR THE COURT