

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

CLIENT NETWORK SERVICES, INC.

NO. 2013 CW 2118

VERSUS

STATE OF LOUISIANA; STATE,
DEPARTMENT OF HEALTH AND
HOSPITALS; KATHY H. KLIEBERT,
IN HER CAPACITY AS INTERIM
SECRETARY, DEPARTMENT OF HEALTH
AND HOSPITALS; STATE, DIVISION
OF ADMINISTRATION; STATE,
DIVISION OF ADMINISTRATION,
OFFICE OF STATE PURCHASING;
KRISTY H. NICHOLS, IN HER
CAPACITY AS COMMISSIONER OF
ADMINISTRATION; SANDRA G.
GILLEN, IN HER CAPACITY AS
DIRECTOR OF STATE PURCHASING;
THE HONORABLE BOBBY JINDAL, IN
HIS CAPACITY AS GOVERNOR, STATE
OF LOUISIANA

APR 07 2014

In Re: State of Louisiana; State, Department of Health and Hospitals; Kathy H. Kliebert, in Her Capacity as Interim Secretary, Department of Health and Hospitals; State, Division of Administration; State, Division of Administration, Office of State Purchasing; Kristy H. Nichols, in Her Capacity as Commissioner of Administration; Sandra G. Gillen, in Her Capacity as Director of State Purchasing; Office of the Governor, State of Louisiana, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 621271.

BEFORE: PARRO, GUIDRY AND DRAKE, JJ.

WRIT DENIED.

JMG

RHP

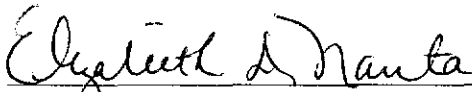
Drake, J., dissents in part, and concurs in part. I would reverse the trial court's judgment of November 14, 2013, to the extent that it denied the exception of prematurity filed by defendants State of Louisiana, Louisiana Department of Health and Hospitals, Kathy H. Kliebert, in her capacity as Interim Secretary, Department of Health and Hospitals, State of Louisiana, the State through the Division of Administration, Kristy Nichols, in her official capacity as Commissioner of Administration, the State through the Office of State Purchasing, Sandra Gillen, in her capacity as Director of State Purchasing, and Office of the Governor, State of Louisiana. I believe plaintiff Client Network Services, Inc. must avail itself of and exhaust the administrative remedies prescribed in the Louisiana Procurement Code before filing suit in district court; failure to do so rendered CNSI's action premature. See Pacificorp Capital, Inc. v. State Division of Administration,

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604 So.2d 710 (La. App. 1st Cir. 1992). In all other respects, I would deny the writ.

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FOR THE COURT