

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

LEONARD CARDENAS, III, ON
BEHALF OF HIS MINOR
CHILDREN, CADE LEONARD
CARDENAS AND CAVAN MICHAEL
CARDENAS

NO. 2014 CW 0043

VERSUS

JAMES L. MOORE

MAY 29 2014

In Re: James L. Moore, applying for supervisory writs, 18th
Judicial District Court, Parish of Pointe Coupee, No.
41435.


BEFORE: WHIPPLE, C.J., PETTIGREW AND CRAIN, JJ.

WRIT DENIED.

WJC
VGW

PETTIGREW, J. DISSENTS AND WOULD GRANT THE WRIT WITH ORDER. I would reverse the district court's judgment of January 8, 2014, denying the renewed peremptory exception of no cause of action of James L. Moore, and I would enter judgment in favor of James L. Moore, sustaining the exception of no cause of action and dismissing the plaintiff's claims. I would remand this matter to the trial court with instructions that an order be issued to plaintiff, Leonard Cardenas, III, affording him the opportunity to state a cause of action, if possible, within a delay deemed reasonable by the district court pursuant to La. Code Civ. P. art. 934.

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DEPUTY CLERK OF COURT
FOR THE COURT