

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

SALLYE B. STEWART

NO. 2014 CW 0297

VERSUS

CITY OF NEW ORLEANS, ET AL

MAY 05 2014

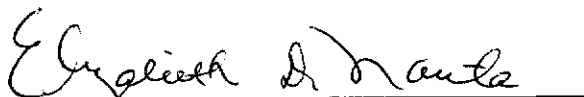
In Re: City of New Orleans, applying for supervisory writs,
21st Judicial District Court, Parish of Livingston,
No. 141,358.

BEFORE: PETTIGREW, McDONALD, AND McCLENDON, JJ.

WRIT GRANTED. This Court is treating defendants' exception of lack of jurisdiction as what it actually is, i.e., an exception of improper venue. **Smith v. Smith**, 10,866 (La. App. 1st Cir. 12/20/76), 341 So.2d 1147; **Jackson v. Dickens**, 7,889 (La. App. 1st Cir. 2/2/70), 236 So.2d 81. Under La. R.S. 13:5104(B), venue is proper only in Orleans Parish, as the cause of action arose in Orleans Parish. The decision of the district court is reversed and the declinatory exception raising the objection of improper venue, incorrectly named an exception of lack of jurisdiction, is granted. This matter is remanded to the district court so that it may determine whether this action should be dismissed or transferred to a court of proper venue in the interest of justice. La. Code Civ. P. art. 121.

JTP
JMM
PMc

COURT OF APPEAL, FIRST CIRCUIT



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FOR THE COURT