

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

TESSIE MOUTON OBO KOLBY
KEITH JOHNSON, ET AL

NO. 2014 CW 1494

VERSUS

LOUISIANA HIGH SCHOOL
ATHLETIC ASSOCIATION, INC.

OCTOBER 27, 2014

In Re: Louisiana High School Athletic Association, Inc.,
applying for supervisory writs, 19th Judicial District
Court, Parish of East Baton Rouge, No. 630120.

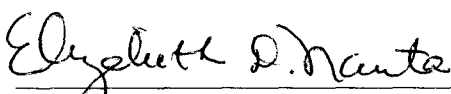
BEFORE: KUHN, PETTIGREW AND WELCH, JJ.

WRIT DENIED ON THE SHOWING MADE.

JTP
JEK

Welch, J., concurs in part and dissents in part. I would grant the writ and render judgment dismissing the claims of all of the plaintiffs, other than the claim of Kolby Keith Johnson, with prejudice. These plaintiffs have not alleged grievances which support claims of deprivation of their own constitutional rights, such as claims of violations by a state actor of their individual due process and equal protection rights. See Menard, v. Louisiana High School Athletic Association, 2010-0169 (La. 4/5/10), 31 So.3d 370. Furthermore, I would grant the writ with respect to the trial court's September 30, 2014 judgment insofar as it overrules relator's dilatory exception, raising the objection of the lack of procedural capacity of Tessie M. Mouton to file this lawsuit on behalf of Kolby Keith Johnson. I would vacate the ruling and remand with instructions that the trial court determine whether Tessie M. Mouton has the procedural capacity to file this lawsuit on behalf of Kolby Keith Johnson, if the trial court has not already done so. See La. Code Civ. P. arts. 682, 683, and 4061.1. In all other respects, I concur.

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT