

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

TOTAL FINANCIAL GROUP, LLC,
DENIS J. JOACHIM, DONNA
POUNDS JOACHIM

NO. 2014 CW 0113

VERSUS

DEFINED BENEFIT SOLUTIONS,
INC. D/B/A BENE\$MART,
MICHAEL PURR, CHERYL
FUZETTE, RICHARD O'DONNELL,
CHRISTOPHER PECK AND EDWARD
FOSTER

FEB 19 2014

In Re: Total Financial Group, LLC, Denis J. Joachim, Donna Pounds Joachim, applying for supervisory writs, 22nd Judicial District Court, Parish of St. Tammany, No. 2013-11017.

BEFORE: KUHN, WELCH, HIGGINBOTHAM, THERIOT AND DRAKE, JJ.

WRIT GRANTED IN PART AND DENIED IN PART. The portion of the trial court's January 9, 2014 judgment that granted "the Exception of Lack of Personal Jurisdiction by Richard O'Donnell" is hereby reversed, and judgment is rendered in favor of plaintiffs with respect to that exception. The trial court erred in allowing respondents to plead the declinatory exception of lack of personal jurisdiction over O'Donnell. Pursuant to La. Code Civ. P. art. 925(C), all objections which may be raised through the declinatory exception, except the court's lack of jurisdiction over the subject matter of the action, are waived unless pleaded therein. Respondents did not plead the exception of lack of personal jurisdiction over O'Donnell at the same time that they pleaded their exception for insufficiency of service of process with respect to O'Donnell and two other defendants. Accordingly, respondents waived the exception of lack of personal jurisdiction over O'Donnell. See Vardaman v. Airosol Co., 98-1740 (La. 11/6/98), 722 So.2d 985.

In all other respects, the writ is denied on the showing made.

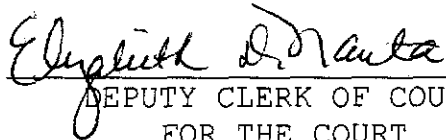
**MRT
EGD
JEW**

Kuhn and Higginbotham, JJ., concur in part and dissent in part. We find that relators have demonstrated that service was effected on Christopher Peck under Louisiana's long-arm statute. Respondents did not offer any evidence or testimony to support the "Exception of Insufficiency of Service of Process" on Christopher Peck. Accordingly, we would reverse the trial court's January 9, 2014 judgment that granted that exception. Otherwise, we concur in the majority's reversal of the judgment granting "the Exception of Lack of Personal Jurisdiction by Richard O'Donnell."

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

2014 CW 0113
Page 2

COURT OF APPEAL, FIRST CIRCUIT



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