

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2015 CA 0023

STATE OF LOUISIANA,
THROUGH THE DIVISION OF ADMINISTRATION,
OFFICE OF COMMUNITY DEVELOPMENT

VERSUS

KATHY TUJAGUE AKA KATHY TUJAGUE KOEHL
AND THE VERSAILLES, LLC

Judgment Rendered: JUN 05 2015

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On Appeal from the
23rd Judicial District Court,
Parish of Ascension, State of Louisiana
Trial Court No. 91228
The Honorable Thomas J. Kliebert, Jr., Judge Presiding

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BEFORE: McDONALD, CRAIN, AND HOLDRIDGE, JJ.

CRAIN, J.

In this suit on a promissory note, the defendants, Kathy Tujague and The Versailles, LLC, appeal a summary judgment rendered in favor of the note holder.

JURISDICTION

A threshold issue in any case is whether this court's appellate jurisdiction is properly invoked by a valid final judgment. *See* La. Code Civ. Pro. art. 2083; *Rush v. Rush*, 12-1502 (La. App. 1 Cir. 3/25/13), 115 So. 3d 508, 511, *writ denied*, 13-0911 (La. 5/31/13), 118 So. 3d 398; *Texas Gas Exploration Corp. v. Lafourche Realty Co., Inc.*, 11-0520 (La. App. 1 Cir. 11/9/11), 79 So. 3d 1054, 1061, *writ denied*, 12-0360 (La. 4/9/12), 85 So. 3d 698; *Laird v. St. Tammany Parish Safe Harbor*, 02-0045 (La. App. 1 Cir. 12/20/02), 836 So. 2d 364, 366. Except as otherwise provided by law, every final judgment shall be signed by the judge before whom the case was tried and who rendered the decision. *See* La. Code Civ. Pro. art. 1911; *Employers Nat. Ins. Co. v. Workers' Comp. Second Injury Bd.*, 95-1756 (La. App. 1 Cir. 4/4/96), 672 So. 2d 309, 311. A judgment signed by a judge who did not preside over the trial is fatally defective and does not constitute a final judgment over which this court can exercise appellate jurisdiction. *Employers Nat. Ins. Co.*, 672 So. 2d at 312; *Herrmann v. Hernandez*, 10-2337 (La. App. 1 Cir. 6/10/11), 2011WL3242298; *see also Acker v. Bailiff*, 47,160 (La. App. 2 Cir. 6/27/12), 94 So. 3d 1011, 1014 (stating that "[u]ntil the judge who conducted the trial signs the judgment, there is no final judgment").

The summary judgment at issue herein was heard and rendered by Judge Thomas J. Kliebert, Jr., but the written judgment was signed "for" Judge Kliebert by Judge Jessie M. LeBlanc, another judge of the 23rd Judicial District Court.¹

¹ Louisiana Revised Statute 13:4209 sets forth the exclusive circumstances in which a judge will be considered a "successor judge" authorized to sign a judgment rendered by his predecessor. Both Judges Kliebert and LeBlanc are currently serving on the 23rd Judicial District Court, thus Judge LeBlanc could not sign the judgment as "successor judge" to Judge Kliebert.

(R.100) Because Judge LeBlanc was without authority to render and sign the judgment, the judgment is fatally defective and must be vacated. *See Starkey v. Starkey*, 13-0166 (La. App. 1 Cir. 8/6/13), 122 So. 3d 579, 584; *Darensbourg v. Great Atl. and Pac. Tea Co., Inc.*, 94-0761 (La. App. 1 Cir. 11/9/95), 665 So. 2d 35, 38. This court lacks appellate jurisdiction to consider the merits of the arguments presented. La. Code Civ. Pro. art. 2083; *cf. Darensbourg*, 665 So. 2d at 38.

CONCLUSION

The July 18, 2014 judgment signed by Judge Jessie M. LeBlanc is vacated. This case is remanded for further proceedings. Assessment of costs of this appeal is deferred until a final determination on the merits.

VACATED AND REMANDED.