

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

DAVID P. ENGLADE

NO. 2015 CW 0279

VERSUS

BENT MARINE, INC. AND
ATLANTIC SPECIALTY INSURANCE
COMPANY

MAY 08 2015

In Re: Bent Marine, Inc. and Atlantic Specialty Insurance Company, applying for supervisory writs, 22nd Judicial District Court, Parish of St. Tammany, No. 2012-15987.

BEFORE: WHIPPLE, C.J., GUIDRY, THERIOT, DRAKE AND HOLDRIDGE, JJ.

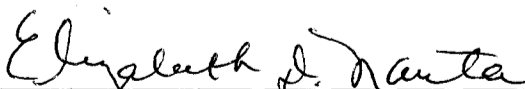
WRIT DENIED. This does not preclude the defendants from filing any exception or motion challenging the content of the supplemental petition.

JMG
GH

Whipple, C.J., concurs in the denial of the writ, finding no error by the trial court.

Theriot and Drake, JJ., dissent and would grant the writ as we find that the information the plaintiff seeks to add to his petition regarding Foremost Insurance Group's assignment of rights to the plaintiff only establishes a right of action on the part of the plaintiff to claim the \$135,000.00; it does not create a new cause of action or new item of damages within the meaning of La. Code Civ. P. article 1155.

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DEPUTY CLERK OF COURT
FOR THE COURT