

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

SUSAN COTTEN SANFORD

NO. 2016 CW 1441

VERSUS

JEFFRY LAMONTE SANFORD

DEC 20 2016

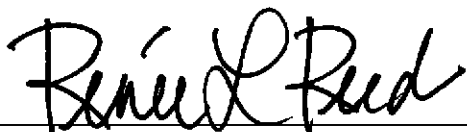
In Re: Susan Cotten Sanford, applying for supervisory writs,
Family Court, Parish of East Baton Rouge, No. F166188.

BEFORE: WHIPPLE, C.J., GUIDRY AND McCLENDON, JJ.

WRIT GRANTED WITH ORDER. The trial court erred in sustaining the peremptory exception of no cause of action filed by Jeffrey Lamonte Sanford. Susan Cotten Sanford's "Petition for Change of Custody, Rule for Interim Custody" alleges, non-exclusively, new circumstances including drug or alcohol abuse by Jeffrey Sanford, as well as his arriving in an impaired state to pick up the minor child, and operating a vehicle while impaired with the minor child as a passenger. We find Susan Cotten Sanford's allegations sufficient to state a cause of action. See **Blanchard v. Blanchard**, 12-0106 (La. App. 1 Cir. 12/31/12), 112 So.3d 243, 248. Accordingly, we reverse the ruling of the trial court in this regard. We overrule the exception of no cause of action and we remand the matter to the trial court for further proceedings.

PMc
VGW
JMG

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT