

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

ARTIE HUDSON, JEFFERY D.  
WELLS

NO. 2017 CW 0705

VERSUS

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WILLIAMS OLEFINS  
DEVELOPMENT, LLC, WILLIAMS  
OLEFINS, LLC, WILLIAMS  
OLEFINS FEEDSTOCK PIPELINES,  
LLC, XYZ INSURANCE  
COMPANY, CAJUN PAVING &  
CONSTRUCTION OF ACADIANA,  
LLC, X INSURANCE COMPANY,  
TURNER INDUSTRIES GROUP LLC,  
Y INSURANCE COMPANY, BROCK  
SERVICES, LLC, AND X-Y  
INSURANCE COMPANY, BRIDGET  
HANNA, CLERK

JUL 11 2017

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In Re: Artie Hudson and Jeffery D. Wells, applying for  
supervisory writs, 23rd Judicial District Court,  
Parish of Ascension, No. 109301.

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**BEFORE: GUIDRY, McDONALD, McCLENDON, WELCH AND CHUTZ, JJ.**

**WRIT GRANTED.** The district court's March 7, 2017 judgment denying in forma pauperis status to plaintiffs, Artie Hudson and Jeffery D. Wells, is reversed. The district court abused its discretion in denying in forma pauperis status to plaintiffs, Artie Hudson and Jeffery D. Wells, based upon their poverty and lack of means. This statutory privilege is to be interpreted liberally in favor of giving indigent persons their day in court. **Benjamin v. National Super Markets, Inc.**, 351 So.2d 138 (La. 1977), writ denied, 366 So.2d 561 (La. 1979). Consideration of the contingency fee agreements between plaintiffs and their counsel should not affect their pauper status. See **Loftin v. Frost-Johnson Lumber Co.**, 133 La. 644, 63 So. 252 (1913); **Jackson v. Aetna Life and Casualty Co.**, 392 So.2d 1073 (La. App. 3d Cir. 1980). Judgment is granted in favor of plaintiffs, Artie Hudson and Jeffery D. Wells, granting their request for in forma pauperis status pursuant to La. Code Civ. P. art. 5181, and this matter is remanded to the district court for further proceedings.

**PMc**  
**JEW**  
**JMG**

**McDonald, J.**, dissents and would deny the writ. The in forma pauperis affidavits of both plaintiffs herein, Artie C. Hudson and Jeffery D. Wells, reflect disposable income sufficient to provide a means of paying court costs. La. Code Civ. P. art. 5182 provides, in part, that this privilege "shall be restricted to litigants who are clearly entitled to it, with due regard to the nature of the proceeding, the court costs which otherwise would have to be paid, and the ability of the

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litigant to pay them or to furnish security therefor, so that the fomentation of litigation by an indiscriminate resort thereto may be discouraged, without depriving a litigant of its benefits if he is entitled thereto".

**Chutz, J.**, dissents and would deny the writ.

COURT OF APPEAL, FIRST CIRCUIT



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DEPUTY CLERK OF COURT  
FOR THE COURT