

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

RUSTEN MAY, BRYAN BOUDREAUX
JOHN D. LEWIS, III, ERIC
JACKSON AND ALBERT J. WALKER

NO. 2017 CW 0811

VERSUS

LANE CARSON, IN HIS CAPACITY
AS SECRETARY OF THE
LOUISIANA DEPARTMENT OF
VETERANS AFFAIRS, AND THE
STATE OF LOUISIANA THROUGH
THE DEPARTMENT OF VETERANS
AFFAIRS THROUGH ITS STATE
DIRECTOR OF VETERANS
AFFAIRS, BILL DIXON

OCT 02 2017


In Re: David LaCerte, in his Capacity as Secretary of the Louisiana Department of Veterans Affairs, and the State of Louisiana through the Department of Veterans Affairs through its State Director of Veterans Affairs, Bill Dixon, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 624049.

BEFORE: HIGGINBOTHAM, HOLDRIDGE AND PENZATO, JJ.

WRIT GRANTED. The January 30, 2017 ruling of the district court in granting judgment on behalf of the Plaintiffs, Rusten May, Bryan Boudreaux, John D. Lewis III, and Eric Jackson, and in vacating its previous orders dismissing the claims of Plaintiffs, Rusten May and Eric Jackson, against Defendants/Relators was legal error. Plaintiffs did not move for summary judgment nor request the relief granted. **Guillory v. Robideaux**, 98-1314 (La. App. 3d Cir. 3/24/99), 733 So.2d 100, 101, citing **Smith v. Brooks**, 96-1085 (La. App. 3d Cir. 2/5/97), 689 So.2d 544, 547. See also **Abshire v. Hartford Accident and Indem. Ins. Co.**, 289 So.2d 545, 549 (La. App. 3d Cir.), writ denied, 293 So.2d 170 (La. 1974). Accord **Stell v. Louisiana Department of Public Safety**, 499 So.2d 1211, 1212 (La. App. 5th Cir. 1986). Accordingly, the January 30, 2017 ruling of the district court is hereby reversed and vacated.

TMH
GH
AHP

COURT OF APPEAL, FIRST CIRCUIT


DEPUTY CLERK OF COURT
FOR THE COURT