

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

ERNEST P. LEGIER, JR.

NO. 2017 CW 0990

VERSUS

STATE OF LOUISIANA, THROUGH
THE LOUISIANA HOUSING
CORPORATION AND KEITH
CUNNINGHAM, IN HIS CAPACITY
AS EXECUTIVE COUNSEL FOR THE
LOUISIANA HOUSING
CORPORATION

NOV 16 2017

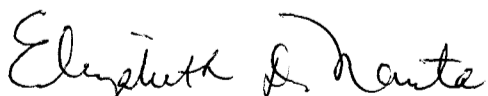
In Re: Keith Cunningham, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 650221.

BEFORE: McCLENDON, WELCH AND THERIOT, JJ.

WRIT GRANTED. Plaintiff did not request service of process upon the named Defendant within ninety days from the commencement of the action pursuant to La. R.S. 13:5107(D)(1), and as a result, it is mandatory that the action be dismissed without prejudice. La. R.S. 13:5107(D); **Igbinoghene v. St. Paul Travelers Ins. Co.**, 2011-0124 (La. 4/4/11), 58 So.3d 452 (per curiam). Accordingly, the July 10, 2017 ruling of the district court denying the Declinatory Exception of Insufficient Service of Process Filed on Behalf of Keith Cunningham is reversed, and the exception is hereby sustained. The claims asserted by Plaintiff against Defendant, Keith Cunningham, in this case are dismissed, without prejudice, in accordance with La. R.S. 13:5107(D)(2).

**JEW
MRT
PMc**

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FOR THE COURT