

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

BOB WELCH AND DANIEL HOOVER

NO. 2017 CW 1301

VERSUS

PLANNING AND ZONING
COMMISSION OF EAST BATON
ROUGE PARISH AND 2590
ASSOCIATES, LLC

SEP 20 2017

In Re: Bob Welch and Daniel Hoover, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 608,569.

BEFORE: HIGGINBOTHAM, HOLDRIDGE AND PENZATO, JJ.

WRIT DENIED. We decline to exercise this court's supervisory jurisdiction. The criteria set forth in **Herlitz Const. Co., Inc. v. Hotel Investors of New Iberia, Inc.**, 396 So.2d 878 (La. 1981) are not met. All proffers by deposition shall be submitted to the district court in accordance with La. C.C.P. art. 1636.

GH
AHP

Higginbotham, J., dissents and would allow the plaintiffs to proffer their evidence in court.

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DEPUTY CLERK OF COURT
FOR THE COURT