

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

IN RE: INTERDICTION OF ROY
J. SHUBERT, JR.

NO. 2017 CW 1480

OCTOBER 27, 2017

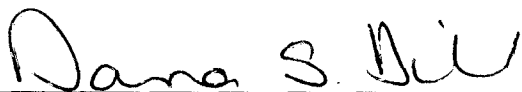
In Re: Roy J. Shubert, III, Linda A. Shubert and Diane Shubert Cox, applying for supervisory writs, 22nd Judicial District Court, Parish of St. Tammany, No. 2017-13757.

BEFORE: GUIDRY, PETTIGREW AND CRAIN, JJ.

WRIT GRANTED IN PART & DENIED IN PART. An application for injunctive relief shall be by petition. La. Code Civ. Proc. art. 3601(D). **In re Interdiction of Wright**, 2013-0862 (La. App. 1st Cir. 3/27/14), 144 So.3d 7, writ denied, 2014-0832 (La. 6/20/14), 141 So.3d 810. The district court erred, then, in its October 9, 2017 Order by granting a temporary restraining order and scheduling hearings for preliminary injunction and permanent injunction without the use of ordinary proceedings. Therefore, the writ application is hereby granted insofar as it relates to injunctive relief, and the temporary restraining order is hereby dissolved. As to all other aspects of the October 9, 2017 Order, the writ application is denied. The contempt hearing pertaining to the willful violation of the September 20, 2017 Order imposing permanent interdiction is within the power and discretion of the district court. La. Code Civ. Proc. art. 224.

WJC
JMG
JTP

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