

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

IN THE MATTER OF THE SUCCESSION  
OF MATTHEW COSTANZA

NO. 2018 CW 0059

**JUL 27 2018**

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In Re: Co-Executors of the Estate of Matthew Costanza, Doyle and Jackie Boudreaux, applying for supervisory writs, 23rd Judicial District Court, Parish of Ascension, No. 17909.

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**BEFORE: WHIPPLE, C.J., McDONALD, HIGGINBOTHAM, CHUTZ AND PENZATO, JJ.**

**WRIT DENIED.** Genuine issues of material fact remain as to the testator's intent and mental capacity, thus precluding summary judgment. See La. Code Civ. P. art. 966(A)(3).

**VGW  
TMH  
AHP**

**McDonald and Chutz, JJ.**, dissent and would grant the writ. Relators presented sufficient evidence to show that they are entitled to judgment as a matter of law. The burden then shifted to Respondent, Beryle Smith Ramsey, to show that there is a genuine issue of material fact or that Relators are not entitled to judgment as a matter of law. La. Code Civ. P. art. 966(D)(1). The only admissible evidence submitted by Respondent is her own self-serving testimony, which is insufficient to defeat summary judgment. See La. Code Civ. P. art. 967(B). Therefore, Relators', Doyle and Jackie Boudreaux, Motion for Summary Judgment should be granted, dismissing all claims raised against them and the Succession of Matthew Costanza by Beryle Smith Ramsey.

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DEPUTY CLERK OF COURT  
FOR THE COURT