

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

JAMES ROBINSON

NO. 2018 CW 0341
(PAGE 1 OF 2)

VERSUS

THE BOARD OF SUPERVISORS FOR
THE UNIVERSITY OF LOUISIANA
SYSTEM AND JOEY STURM,
INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY AS CHIEF
OF POLICE FOR THE UNIVERSITY
OF LOUISIANA AT LAFAYETTE

JUN 05 2018

In Re: The Board of Supervisors for the University of Louisiana System, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 614860.

BEFORE: WHIPPLE, C.J., WELCH AND HIGGINBOTHAM, JJ.

WRIT GRANTED IN PART, DENIED IN PART. The February 12, 2018, judgment of the trial court which denied, in part, the motion to quash filed by the Board of Supervisors for the University of Louisiana System is reversed. The trial court erred by ordering the Board to produce documents which exceed the scope of this court's order dated December 1, 2017, issued in this case, in docket no: 2017CW1543.

La Const. art. XII, § 10(C) and La. R.S. 13:5109(B)(2), as interpreted and applied by the Louisiana Supreme Court in **Newton Marchive Partnership, Inc. v. City of Shreveport**, 2007-1890 (La. 4/8/08), 979 So.2d 1262, apply to money judgments against the state or a state agency for the payment of past due wages. Nothing in these legal authorities permits this court to reach a contrary result. As demonstrated by **Newman**, the prior appropriation of funds to pay judgments, generally, does not satisfy the requirements of La. Const. art. XII, § 10(C) and La. R.S. 13:5109(B)(2). Instead, as our Supreme Court held in **Newman**, the legislature must make a specific appropriation to pay a specific judgment; otherwise, the funds are public funds not subject to seizure.

Therefore, the Board of Supervisors for the University of Louisiana System's motion to quash the second motion to examine judgment debtor filed by James Robinson is granted. Mr. Robinson may proceed with a judgment debtor examination of the Board; however, the examination shall be limited to the production for examination of all records, documents, or other information the Board may have in its possession regarding funds specifically appropriated by the legislature for the specific purpose of paying the plaintiff's judgment as ordered in **Robinson v. Board of Supervisors for the University of Louisiana System**, 2016-2145 (La. 6/29/17), 225 So.3d 424, at a date, time, and location to

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

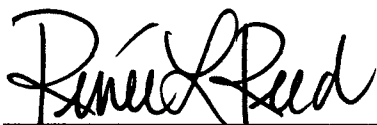
NO. 2018 CW 0341
(PAGE 2 OF 2)

be selected by the trial court in its sole discretion. No additional areas of inquiry shall be permitted. The writ is denied in so far as it relates to the denial of the motion for sanctions filed by the Board of Supervisors for the University of Louisiana System.

TMH
VGW

Welch, J., concurs in part and dissents in part. I concur in the granting of the motion to quash filed by the Board of Supervisors for the University of Louisiana System. However, I dissent as to the denial of sanctions requested by the Board of Supervisors for the University of Louisiana System. I would grant the motion for sanctions and award sanctions in favor of the Board of Supervisors for the University of Louisiana System pursuant to La. Code Civ. P. art. 863.

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT