

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

U.S. BANK NATIONAL  
ASSOCIATION AS TRUSTEE FOR  
RFMSI 2005S7

NO. 2018 CW 0395

VERSUS

WALTER C. DUMAS

**JUNE 27, 2018**

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In Re: Walter C. Dumas, applying for supervisory writs, 19th  
Judicial District Court, Parish of East Baton Rouge,  
No. 610504.

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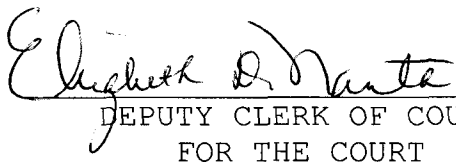
**BEFORE: GUIDRY, PETTIGREW, McCLENDON, CRAIN AND HOLDRIDGE, JJ.**

**STAY DENIED; WRIT GRANTED.** The trial court's January 23, 2018, judgment denying the defendant's exception raising the objection of prematurity is reversed. The defendant has not filed an answer in response to the plaintiff's petition; consequently, the motion for summary judgment is premature. See La. Code Civ. P. art. 966(A). See also **Deutsche Bank Nat. Trust Co. v. Thomas**, 2010-1453 (La. App. 1st Cir. 2/11/11), 57 So.3d 1185. Therefore, the exception raising the objection of prematurity filed by Walter C. Dumas is granted.

**JMG**  
**PMc**  
**WJC**  
**GH**

**Pettigrew, J.,** dissents and would deny the writ.

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DEPUTY CLERK OF COURT  
FOR THE COURT