

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

JACOB JOHNSON

NO. 2018 CW 0780

VERSUS

DARYL PURPERA, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY
AS LOUISIANA LEGISLATIVE
AUDITOR, STATE OF LOUISIANA,
THROUGH LOUISIANA
LEGISLATIVE AUDITOR

OCT 16 2018

In Re: Daryl Purpera in his official capacity and the State of Louisiana through the Louisiana Legislative Auditor, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 657022.

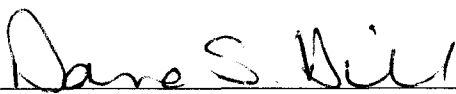
BEFORE: McDONALD, CRAIN, AND HOLDRIDGE, JJ.

WRIT DENIED.

WJC
GH

McDonald, J., dissents and would grant the writ. Defendants, Daryl Purpera, in his official capacity as Louisiana Legislative Auditor, and the State of Louisiana, through the Louisiana Legislative Auditor, are "persons" within the meaning of Louisiana Code of Civil Procedure article 971 and, as such, have the procedural capacity to file a special motion to strike. See Louisiana Civil Code article 24; see also **Regan v. Caldwell**, 2016-0659 (La. App. 1st Cir. 4/7/17), 218 So.3d 121, 126, writ denied, 2017-0963 (La. 4/6/18), 239 So.3d 827 and **Williams v. New Orleans Ernest N. Morial Convention Center**, 2011-1412 (La. App. 4th Cir. 5/11/12), 92 So.3d 572, cert. denied, 569 U.S. 963, 133 S.Ct. 2033, 185 L.Ed.2d 896 (2013).

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DEPUTY CLERK OF COURT
FOR THE COURT