

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

ZANELLA'S WAX BAR, LLC

NO. 2018 CW 1294

VERSUS

TRUDY'S WAX BAR, LLC AND  
TRUDY BARNETT

OCTOBER 5, 2018

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In Re: Zanella's Wax Bar, LLC, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 665172.

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**BEFORE: McDONALD, CRAIN, AND HOLDRIDGE, JJ.**

**WRIT GRANTED WITH ORDER.** The district court's August 13, 2018 ruling is an appealable ruling. See La. Code Civ. P. art. 3612. Thus, the writ application is granted for the limited purpose of remanding this matter to the district court with instructions to grant an appeal to plaintiff, Zanella's Wax Bar, LLC, pursuant to the August 20, 2018 Notice of Intent to Apply for Emergency Supervisory Writ. See **In Re Howard**, 541 So.2d 195 (La. 1989) (*per curiam*). Additionally, a copy of this court's order is to be included in the appellate record.

**JMM**  
**WJC**

**Holdridge, J.**, dissents. I respectfully dissent. The judgment dissolving a preliminary injunction is not appealable. It is an interlocutory order which allows the defendant to continue doing whatever activity the plaintiff sought to restrain (in this case to continue to operate her wax bar). The proper procedural remedy is for the plaintiff to immediately seek a trial on the merits of the permanent injunction. As a practical matter, the appeal allowed by the majority in this case will probably be moot when the matter is finally heard by this court since the defendant's non-compete agreement would have expired. See, e.g., **Parker v. The Senate of the State of Louisiana**, 2015-0048 (La. App. 1st Cir. 9/21/15), 2015 WL 5547476 (unpublished).

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DEPUTY CLERK OF COURT  
FOR THE COURT