

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

LOUISIANA ART SUPPLY, L.L.C. AND
CRAIG S. MALONEY

NO. 2019 CW 1616

VERSUS

CATHERINE DEANO, INDIVIDUALLY AND
AS THE SUCCESSION REPRESENTATIVE
OF WALTER MADER

JULY 28, 2020

In Re: Art Supply Distributor, LLC, applying for supervisory writs, 21st Judicial District Court, Parish of Tangipahoa, No. 2016-01999.

BEFORE: WHIPPLE, C.J., GUIDRY AND BURRIS,¹ JJ.

WRIT GRANTED. The November 6, 2019 judgment denying the Exceptions of Improper Cumulation of Actions and Lack of Procedural Capacity filed by Defendant-in-Reconvention, Art Supply Distributor, LLC, is hereby vacated. The issue of subject matter jurisdiction may be raised at any time, even by the court on its own motion, and at any stage of an action. **Williams v. International Offshore Services, LLC**, 2011-1240 (La. App. 1st Cir. 12/7/12), 106 So.3d 212, 217, writ denied, 2013-0259 (La. 3/8/13), 109 So.3d 367. This court, raising the issue of subject matter jurisdiction on its own motion, finds the district court lacked subject matter jurisdiction over Catherine Deano's reconventional demand. See **Levert v. University of Illinois at Urbana/Champaign ex rel. Bd. of Trustees**, 2002-2679 (La. App. 1st Cir. 9/26/03), 857 So.2d 611, writ denied, 2003-2994 (La. 1/16/04), 864 So.2d 635. The jurisdiction of a court over the subject matter of an action or proceeding cannot be conferred by consent of the parties or waived; a judgment rendered by a court that has no jurisdiction over the subject matter of the action or proceeding is void. **In re Interdiction of Metzler**, 2015-0982 (La. App. 1st Cir. 2/22/16), 189 So.3d 467, 469, citing La. Code Civ. P. art. 3. Accordingly, Catherine Deano's reconventional demand is dismissed without prejudice.

VGW
JMG
WJB

COURT OF APPEAL, FIRST CIRCUIT

A. Sml

DEPUTY CLERK OF COURT
FOR THE COURT

¹Judge William J. Burris, retired, serving *pro tempore* by special appointment of the Louisiana Supreme Court.