

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

DAWN ELAYNE SEIF, INDIVIDUALLY AND OBO  
HER MINOR CHILD, JAMES ANDREW SEIF,  
LISA BLAYLOCK, INDIVIDUALLY AND OBO HER  
MINOR CHILDREN ANNABELLE RUTH BLAYLOCK  
AND EVELYN MARIE BLAYLOCK, DESTINY  
FLYNN, INDIVIDUALLY AND OBO HER MINOR  
CHILD LEILANI M. FLYNN, LIUSA BAWOL,  
JENNA KEMP, INDIVIDUALLY AND OBO HER  
MINOR CHILDREN MAKENZIE KEMP AND WESLEY  
KEMP

NO. 2020 CW 0385

VERSUS

STATE OF LOUISIANA THROUGH THE MILITARY  
DEPARTMENT AND LOUISIANA NATIONAL GUARD

**SEPTEMBER 21, 2020**

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In Re: State of Louisiana through the Military Department and  
Louisiana National Guard, applying for supervisory  
writs, 19th Judicial District Court, Parish of East  
Baton Rouge, No. 646648.

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**BEFORE: WELCH, HIGGINBOTHAM, AND LANIER, JJ.**

**WRIT GRANTED.** The district court's April 2, 2020 judgment is reversed. Plaintiffs' claims, all of which arise out of or are in the course of activity incident to service, are barred from civil adjudication in accordance with **Feres v. United States**, 340 U.S. 135, 143-44, 71 S.Ct. 153, 158, 95 L.Ed. 152 (1950). See also **Morris v. Thompson**, 852 F.3d 416, 420 (5th Cir. 2017), cert. denied, \_\_\_ U.S. \_\_\_, 138 S.Ct. 203, 199 L.Ed.2d 114 (2017) & **Matreale v. New Jersey Dept. of Military & Veterans Affairs**, 487 F.3d 150, 156 (3d Cir. 2007), cert. denied, 552 U.S. 1099, 128 S.Ct. 899, 169 L.Ed.2d 728 (2008). Moreover, Louisiana Revised Statutes 29:23.1(B) provides "[n]either Civil Code Article 2320 nor any other law imposing liability on a master for the offenses and quasi offenses of his servant shall impose liability on the state or any branch, department, office, agency, commission, or any officer, official, or employee thereof for any acts or omissions committed on or after December 29, 1981, by any members of the National Guard while engaged in training or duty under 32 U.S.C. 316, 502, 503, 504, or 505[.]" Accordingly, summary judgment is granted in favor of defendants, State of Louisiana through the Military Department and Louisiana National Guard, and plaintiffs' claims against them are dismissed.

JEW  
TMH  
WIL

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT  
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