

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

JUAN RAMOS

NO. 2020 CW 0786

VERSUS

JOSE LUIS HERMENEGILDO AND  
ROSE NAJERA MORALES

**OCTOBER 12, 2020**

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In Re: Rosa Najera Morales, applying for supervisory writs,  
19th Judicial District Court, Parish of East Baton  
Rouge, No. 677841.

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**BEFORE: HIGGINBOTHAM, THERIOT, AND WOLFE, JJ.**

**WRIT NOT CONSIDERED.** This writ application fails to comply with Uniform Rules of Louisiana Courts of Appeal, Rule 4-5(C)(9). The defendant, Rosa Najera Morales, failed to include a copy of the opposition and attachments or a statement advising no opposition was filed.

Supplementation of this writ application and/or an application for rehearing will not be considered. Uniform Rules of Louisiana Courts of Appeal, Rules 4-9 & 2-18.7.

In the event the defendant seeks to file a new application with this court, it must contain all pertinent documentation, the missing items noted above, and must comply with Uniform Rules of Louisiana Courts of Appeal, Rule 2-12.2. Any new application must be filed on or before October 27, 2020, and must contain a copy of this ruling.

**TMH**  
**EW**

**Theriot, J.**, dissents and would grant the writ. I would reverse the trial court's July 23, 2020 order that denied the exception of no cause of action filed by the defendant, Rosa Najera Morales. Under La. Code Civ. P. arts. 2345 and 2357, the non-incurring spouse is not personally liable for a debt incurred by the other spouse either during the existence of the legal regime or after its termination. **Finance One of Houma, L.L.C. v. Barton**, 99-1719 (La. App. 1st Cir. 9/22/00), 769 So.2d 739, 741. I would grant the exception of no cause of action and dismiss the plaintiff's, Juan Ramos's, claims against the defendant, Rosa Najera Morales.

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DEPUTY CLERK OF COURT  
FOR THE COURT