

NOT DESIGNATED FOR PUBLICATION

**JACKSON AVENUE
FOUNDATION, INC.**

VERSUS

ERIC LASSAIR, ET AL.

*** NO. 2007-CA-0785
* COURT OF APPEAL
* FOURTH CIRCUIT
* STATE OF LOUISIANA**

*** * * * ***

**APPEAL FROM
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 2000-3196, DIVISION "B"
HONORABLE ROSEMARY LEDET, JUDGE**

*** * * * ***

PER CURIAM

*** * * * ***

(Court composed of Judge James F. McKay III, Judge Michael E. Kirby, Judge Terri F. Love)

**LOUIS R. KOERNER, JR.
KOERNER LAW FIRM
Houma, Louisiana 70361
Counsel for Plaintiff/Appellant**

JUDGMENT VACATED AND REMANDED

On June 2, 2004, this Court issued an opinion in this matter. *See Jackson Ave. Foundation, Inc. v. Lassair, 2003-1759 (La.App. 4 Cir. 6/2/04), 876 So.2d 926.* In that opinion, this Court remanded the matter to the district court with instructions to address certain issues.

After the matter was remanded to the district court, the plaintiff filed a motion for a status conference which was held on December 15, 2004. At its conclusion, the district court ordered Archie Jefferson to respond to the previously propounded written discovery within thirty days. Mr. Jefferson failed to do so. The plaintiff moved for contempt. On April 26, 2005, the plaintiff served Betty Jefferson with a subpoena duces tecum issued by the district court which ordered her to appear and provide documents at 1204 Jackson Avenue, New Orleans, Louisiana 70130 on May 12, 2005. Ms. Jefferson failed to appear and never produced any documents. On June 24, 2005, the plaintiff once again filed for contempt. A hearing was set for July 5, 2005. However, on July 18, 2005, the district court issued a final judgment finding First Rate Investments, LLC and

Archie Jefferson to be in contempt pursuant to La. C.C.P. art. 224 and ordered a fine of \$500.00. The judgment also declared that the original petition and any claims to restore the property to a livable condition are moot. Neither damages nor attorney's fees were ordered.

On remand, the district court failed to address most of the issues it was directed to address by this Court in our earlier opinion. The district court only issued an order of contempt and fined the defendants \$500.00. By doing so, the trial court has disregarded the directives of this Court. Accordingly, we vacate the trial court's judgment of July 18, 2005 and remand the matter to the trial court for a second time for further proceedings consistent with our earlier opinion in this matter.

JUDGMENT VACATED AND REMANDED