

**PINCKNEY A. WOOD
(PRESIDENT, COALITION OF
LOUISIANA ANIMAL
ADVOCATES)**

VERSUS

**BOB DEL GIORNO, WWL AM,
AND SINCLAIR
COMMUNICATIONS, INC.**

*** NO. 2006-CA-1612
* COURT OF APPEAL
* FOURTH CIRCUIT
* STATE OF LOUISIANA**

*** * * * ***

JONES, J., DISSENTS IN PART AND CONCURS IN PART.

The trial court and now this Court, in considering defendant's motion for summary judgment, have determined the intent of a party. If intent is not fact based, what is? Further, intent is so fact intensive that it clearly lends itself to a determination that genuine issues of material fact preclude the granting of summary judgment in this matter.

Further, I would correct the procedural error of plaintiff. He seeks to appeal the denial of his motion for summary judgment. Our review of a denial of a motion for summary judgment is under our supervisory judgment. Thus, as to the appeal of the denial of the plaintiff's motion for summary judgment, I would convert the appeal to a writ application for supervisory writ, and deny his writ application. In this regard I am in concurrence with the majority.