

**GWENDOLYN HEBERT, WIFE
OF MICHAEL RICARDO
JOHNSON**

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NO. 2008-CA-0060

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COURT OF APPEAL

VERSUS

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FOURTH CIRCUIT

**MICHAEL RICARDO
JOHNSON**

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STATE OF LOUISIANA

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BAGNERIS, J. CONCURS IN PART AND DISSENTS IN PART

I respectfully agree with the majority opinion in affirming the judgment of the district court ordering Mr. Johnson to pay what is rightfully owed in light of the Consent Judgment between the parties. Obviously the parties entered into a Consent Judgment because they could not rely on mere verbal agreements. Therefore it was incumbent upon Mr. Johnson to file a motion to modify the Consent Judgment even though he was under the impression that his minor child would not continue with a private school education after the eighth grade.

I do however respectfully disagree with the majority finding that this Court shall impose damages against Mr. Johnson in the amount of \$500 for filing a frivolous appeal. It is Mr. Johnson's legal right to file an appeal from the judgment of the district court and I am not of the opinion, as the majority is, that Mr. Johnson's appeal is "disingenuous" and intended to harass Ms. Hebert.