

NOT DESIGNATED FOR PUBLICATION

CHRISTOPHER CAUSEY, SR. * **NO. 2017-CA-0922**
AND LYNETTE MUSE, *
INDIVIDUALLY AND AS *
NATURAL PARENTS OF * **COURT OF APPEAL**
CHRISTOPHER CAUSEY, JR. * **FOURTH CIRCUIT**
AND PRISCILLA HOPKINS *
VERSUS * **STATE OF LOUISIANA**

**NEW ORLEANS REGIONAL
TRANSIT AUTHORITY AND
VEOLIA TRANSPORTATION
SERVICES**

**APPEAL FROM
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 2015-00534, DIVISION "J-5"
HONORABLE Cherrell Sims Taplin, PRO TEMPORE**

**JAMES F. MCKAY III
CHIEF JUDGE**

(Court composed of Chief Judge James F. McKay III, Judge Edwin A. Lombard,
Judge Rosemary Ledet)

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APPEAL DISMISSED WITHOUT PREJUDICE; REMANDED

MAY 2, 1018

This appeal stems from a judgment rendered on July 17, 2017. For the reasons that follow, we find that the judgment lacks necessary decretal language, and is, therefore, not a final appealable judgment. Accordingly, this appeal is dismissed without prejudice and remanded to the trial court so that a proper final judgment can be rendered.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

Plaintiffs, Christopher Causey Sr. and Lynette Muse, individually and as natural parents of Christopher Causey, Jr., and Priscilla Hopkins, filed suit against defendants, New Orleans Regional Transit Authority (“RTA”), and Veolia Transportation Services. Plaintiffs allege that they were injured as a result of a hard brake incident while riding as passengers on an RTA bus.

A bench trial was conducted on July 13, 2017. Judgment was rendered in pertinent part, as follows:

IT IS HEREBY ORDERED ADJUDGED AND DECREED that there be a Judgment herein in favor of the defendants and against the plaintiffs, in that, pursuant to Louisiana law, the plaintiffs have not established by a preponderance of the evidence that the defendants were negligent and liable for their injuries.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that this Judgment is final and that the parties each bear their own costs of these proceedings.

Plaintiffs filed a timely appeal from the trial court's judgment.

JURISDICTIONAL ISSUE

In *Urquhart v. Spencer*, 15-1354, pp. 3-4, (La. App. 4 Cir. 12/1/16), 204 So.3d 1074, 1077-78, this Court explained the requirements for decretal language in a judgment as follows:

“Before considering the merits of any appeal, appellate courts have the duty to determine, *sua sponte*, whether subject matter jurisdiction exists, even when the parties do not raise the issue.” *Moon v. City of New Orleans*, 15-1092, 15-1093 (La. App. 4 Cir. 3/16/16), 190 So.3d 422, 425. We therefore cannot determine the merits of these appeals unless our jurisdiction is properly invoked by a valid final judgment. *Bd. of Supervisors of Louisiana State Univ. v. Mid City Holdings, L.L.C.*, 14-0506, p. 2 (La. App. 4 Cir. 10/15/14), 151 So.3d 908, 910. For a judgment to be a “valid final judgment,” it must contain specific “decretal language.” *Id.* “ ‘A valid judgment must be precise, definite and certain. ... The decree alone indicates the decision. ... The result decreed must be spelled out in lucid, unmistakable language. ... The quality of definiteness is essential to a proper judgment.’ ” *Id.* (quoting *Input/Output Marine Sys., Inc. v. Wilson Greatbatch, Tech., Inc.*, 10-477, pp. 12-13 (La. App. 5 Cir. 10/29/10), 52 So.3d 909, 915-16). In the absence of the necessary decretal language, the judgment is not final and appealable. *Tsegaye v. City of New Orleans*, 15-0676, p. 3 (La.App. 4 Cir. 12/18/15), 183 So.3d 705, 710, writ denied, 16-0119 (La. 3/4/16), 188 So.3d 1064.

Importantly, in order for the language of a judgment to be considered “decretal” it “must name the party in favor of whom the ruling is ordered, the party against whom the ruling is ordered, and the relief that is granted or denied.” *Mid City Holdings*, 14-0506 at p. 3, 151 So.3d at 910 (citations omitted). Furthermore, “ ‘The specific relief granted should be determinable from the judgment without reference to an extrinsic source such as pleadings or reasons for judgment.’ ” *Id.* (quoting *Input/Output Marine*, 10-477, p. 13, 52 So.3d at 916).

In multiple defendant cases such as this one, the “failure to name the particular defendant cast in judgment results in the invalidity of the judgment.” *Freeman v. Zara's Food Store, Inc.*, 16-0445, p. 15 (La. App. 4 Cir. 11/2/16), — So.3d —, 2016 WL 6473023, (citations omitted). As we have stated, “ ‘The failure to name the

defendant against whom the judgment is rendered in a case with multiple defendants makes the judgment fatally defective, because one cannot discern from its face against whom it may be enforced.’ ” *Id.*, 16-0445, p. 16, — So.3d at —, 2016 WL 6473023 at *7 (quoting *Jenkins v. Recovery Tech. Investors*, 02-1788, p. 3 (La. App. 1 Cir. 6/27/03), 858 So.2d 598, 600).

Applying these principles to the case *sub judice*, we find that the judgment fails to satisfy the jurisprudential requirements for a valid final judgment. Initially, we note that the judgment fails to identify the defendant(s) and plaintiff(s) by name. More importantly, the judgment fails to state the relief granted or denied. Stated otherwise, the judgment fails to state what claims are dismissed and whether the dismissal is with or without prejudice. *See also, Moulton v. Stewart Enterprises, Inc.*, 17-0243, p. 4, (La. App. 4 Cir. 8/3/17), 226 So.3d 569, 573.

In the absence of the necessary decretal language, there is no valid appealable judgment. Consequently, we lack appellate jurisdiction to address the merits of the appeal. Moreover, because the appeal was not filed within thirty days from the date of the trial court’s judgment, we decline to exercise our discretion to convert this appeal to a writ application. An adequate remedy by appeal will exist upon entry of a valid final judgment containing the necessary decretal language.

CONCLUSION

For the foregoing reasons, we dismiss this appeal without prejudice and remand the matter to the trial court for further proceedings. Once a final appealable judgment is signed, a new appeal may be filed with this Court.

APPEAL DISMISSED WITHOUT PREJUDICE; REMANDED