

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

08-1001 consolidated with 08-1208

QUINN L. DUCOTE AND JUDY DUCOTE

VERSUS

UNION PACIFIC RAILROAD COMPANY, ET AL.

**APPEAL FROM THE
NINTH JUDICIAL DISTRICT COURT
PARISH OF RAPIDES, NO. 218,842
HONORABLE F. RAE DONALDSON SWENT, DISTRICT JUDGE**

**ULYSSES GENE THIBODEAUX
CHIEF JUDGE**

Court composed of Ulysses Gene Thibodeaux, Chief Judge, Elizabeth A. Pickett, and Billy Howard Ezell, Judges.

**WRIT GRANTED IN PART AND MADE
PEREMPTORY; WRIT DENIED.**

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THIBODEAUX, Chief Judge.

For the reasons discussed in the consolidated case of *Ducote v. Union Pacific R.R. Co.*, 08-1208 (La.App. 3 Cir. __/__/__), __ So.2d __, the DOTD's writ application is granted in part and denied in part. We grant the writ on the issue of motion to strike unauthenticated documents. The writ application requesting a summary judgment is denied, but we affirm the trial court's ruling recognizing and granting an exception of no cause of action in favor of the DOTD. We dismiss with prejudice the DOTD from this lawsuit. Costs are assessed to the defendant, Union Pacific Railroad Company.

WRIT GRANTED IN PART AND MADE PEREMPTORY; WRIT DENIED.