

NOT DESIGNATED FOR PUBLICATION

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

10-1249 consolidated with 10-1247, 10-1248

RAPIDES PARISH POLICE JURY

VERSUS

RICHARD E. LEE & BETTY LOU KRIST DENT

**APPEAL FROM THE
NINTH JUDICIAL DISTRICT COURT
PARISH OF RAPIDES, NO. 236,506 C/W 236,507 C/W 236,508
HONORABLE GEORGE C. METOYER , JR., DISTRICT JUDGE**

**ELIZABETH A. PICKETT
JUDGE**

Court composed of Ulysses Gene Thibodeaux, Chief Judge, Sylvia R. Cooks, and Elizabeth A. Pickett, Judges.

REVERSED AND REMANDED.

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PICKETT, Judge.

For the reasons assigned in the companion and consolidated case, *Rapides Parish Police Jury v. Reich*, 10-1247 (La.App. 3 Cir. __/__/__), __ So.3d __, the judgment of the trial court granting the defendants' exceptions of res judicata are reversed, and this matter is remanded to the trial court for further proceedings.

REVERSED AND REMANDED.

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

10-1247 consolidated with 10-1248, 10-1249

RAPIDES PARISH POLICE JURY

VERSUS

THOMAS REICH

THIBODEAUX, Chief Judge, concurring.

While I question the intent of the Police Jury in promulgating the two ordinances to establish a public landing and to expropriate the property in question, I reluctantly concur in the result. The differences in the present factual circumstances are such that the cause of action does not arise “out of the transaction or occurrence that was the subject matter of the first litigation.” *Burguieres v. Pollingue*, 02-1385, p. 8 (La. 2/25/03), 843 So.2d 1049, 1053.