

**NOT DESIGNATED FOR PUBLICATION**

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

**CA 13-403**

**VARSITY EVENT MANAGEMENT, LLC**

**VERSUS**

**LOUISIANA HIGH SCHOOL ATHLETIC ASSOC., INC.**

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**APPEAL FROM THE  
FOURTEENTH JUDICIAL DISTRICT COURT  
PARISH OF CALCASIEU, NO. 2012586  
HONORABLE RONALD F. WARE, DISTRICT JUDGE**

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**JIMMIE C. PETERS**

**JUDGE**

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Court composed of Jimmie C. Peters, Billy H. Ezell, and J. David Painter, Judges.

**APPEAL DISMISSED. APPELLANT PERMITTED  
TO FILE APPLICATION FOR SUPERVISORY WRITS.**

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**Varsity Event Management, LLC**

**PETERS, Judge.**

This court, on its own motion, issued a rule for the appellant, Varsity Event Management (VEM), to show cause no later than May 9, 2013, by brief only, why the appeal in the above captioned case should not be dismissed as having been taken from a non-appealable, interlocutory judgment. The appellee, Louisiana High School Athletic Association, Inc. (LHSAA), has filed a motion to dismiss the appeal on the same ground. For the reasons assigned, we dismiss this appeal and permit VEM to file an application for supervisory writs.

VEM filed a motion in the Fourteenth Judicial District Court, seeking to compel arbitration pursuant to a contract between itself and LHSAA. LHSSA filed a Motion to Stay Arbitration and Demand for Jury Trial which was heard on October 24, 2012. The motion to stay arbitration was denied, but the motion for a jury trial was granted. A written judgment was signed on November 13, 2012. VEM subsequently motioned the trial court for an appeal of its ruling which granted LHSSA's motion for a jury trial.

The appeal in this case was lodged in this court on April 11, 2013. As stated above, after the lodging of this appeal, this court issued a rule for VEM to show cause why their appeal should not be dismissed. Additionally, LHSSA filed their motion seeking the dismissal of this appeal.

Although a response from VEM to this court's rule has not been received in this court, VEM filed an opposition to LHSAA's motion to dismiss, wherein it asserts that LHSAA's argument for dismissal is contrary to law. VEM agrees with LHSAA's classification of the ruling as interlocutory. However, citing this court's opinion in *Williams v. Litton*, 03-805 (La.App. 3 Cir. 12/23/03), 865 So.2d 838, VEM contends that the judgment is appealable. In *Williams*, this court ruled that

the trial court's refusal to order arbitration was an appealable, interlocutory ruling pursuant to La.Code Civ.P. art. 2083. Since that ruling, however, Article 2083 was amended in 2005 and now provides in section C that "[a]n interlocutory judgment is appealable only when expressly provided by law." More importantly, the appealed judgment in the instant case does not deny arbitration. To the contrary, the judgment specifically denied a stay of arbitration. Therefore, we find the holding in *Williams* inapplicable to the facts of the instant case.

VEM has not cited this court to any law which provides that the appealed judgment is appealable. As such, we find that the proper procedural vehicle for review of this interlocutory judgment is an application for supervisory writs. Thus, although we hereby dismiss this appeal without prejudice, because VEM timely filed its appeal within the delays allowed for applying for supervisory writs, we grant VEM until July 12, 2013, by which to file a proper application for supervisory writs pursuant to the Uniform Rules—Court of Appeal, Rule 4. As this court has set the return date for the filing of the writ application in this opinion, VEM does not need to obtain a return date from the trial court.

**APPEAL DISMISSED. APPELLANT PERMITTED  
TO FILE APPLICATION FOR SUPERVISORY WRITS.**

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION.  
Rule 2-16.3 Uniform Rules, Court of Appeal.