

NOT DESIGNATED FOR PUBLICATION

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

JAC 17-916

IN RE: ALR AND BAR

**APPEAL FROM THE
SIXTEENTH JUDICIAL DISTRICT COURT
PARISH OF IBERIA, NO. 15-82
HONORABLE CURTIS SIGUR, DISTRICT JUDGE**

SYLVIA R. COOKS

JUDGE

Court composed of Ulysses Gene Thibodeaux, Chief Judge, Sylvia R. Cooks, and Van H. Kyzar, Judges.

MOTION DENIED.

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COOKS, Judge.

Appellant, Sloane Roberts, has filed a Motion to Consolidate Two Appeals and For Leave to Request Use Without the Necessity of the Non-Support Record Offered in These Proceedings as an Exhibit. The motion seeks to consolidate the lodged appeal in this instant intra-family adoption proceeding with an unlodged appeal in a non-support action. The Appellant also asks that the record in the non-support action be used by this court in deciding the appeal of the intra-family adoption matter in accordance with Uniform Rules—Courts of Appeal, Rule 2–1.14. Appellees, Chris and Maria Richard, have filed an opposition to the consolidation of the appeals. For the reasons given herein, we deny the motion to consolidate and the request to consider the unlodged appellate record.

Appellant and Appellee, Chris Richard, are the biological parents of the two children involved in this adoption proceeding. Chris Richard is married to Appellee, Maria Richard. The Richards filed a petition seeking the intra-family adoption of the two children by Maria. The initial judgment granting this relief was annulled. However, after a subsequent trial on the intra-family adoption, the trial court entered judgment terminating Appellant's parental rights to the children and granting the intra-family adoption by Maria. Appellant has appealed this ruling.

According to the opposition memorandum submitted by Appellees, the non-support action involves the State of Louisiana, through the Department of Children and Family Services, on behalf of Appellee, Chris Richard, seeking recovery from Appellant and her attorney of record in certain tort litigation due to their purported violation of a statutory lien which the State had perfected against the personal injury lawsuit filed. Appellant had been involved in a vehicular collision which resulted in her filing suit seeking damages. Out of the settlement monies arising from the litigation involving the wreck, Appellant had allegedly agreed to satisfy her child support arrearage. Many issues arise out of the non-support case involving Appellant

and her counsel, according to Appellees, but the memorandum in support of the motion filed in this court seeking the consolidation of the appeals does not elaborate on the issues presented in the non-support case. Instead, Appellant writes:

This appeal is from an adverse intrafamily adoption judgment based on a failure to make child support payments and the other appeal is from an unlodged adverse non-support judgment This motion is made in the interest of judicial efficiency on the grounds that the questions involved in both appeals, whether the lower courts had subject matter jurisdiction to render a decision in both the adoption and the non-support case are so related as to make consolidation of the appeals advisable and that such consolidation will expedite the consideration of both appeals.

We find that judicial efficiency is not served with this consolidation. Since the record in the non-support case is not before this court, the appeal of the adoption decision will be slowed pending receipt of the appellate record in the non-support case. Final rulings in adoption proceedings require expedited appellate review pursuant to Uniform Rules—Courts of Appeal, Rule 5–1(a)(6). We note that non-support cases are not provided this expedited handling under this same court rule. Additionally, without the record in the non-support case, this court has no clear indication in the record presented that the ruling appealed in that proceeding is related to the issues presented in this adoption case. Therefore, we deny the motion to consolidate.

As Appellant properly points out, Uniform Rules—Courts of Appeal, Rule 2–1.14 states, “Any record lodged in this court may, with leave of court, be used, without necessity of duplication, in any other case on appeal or on writ.” This rule, though, clearly provides that the record must be lodged in this court. Therefore, we find that request for leave is presented prematurely.

For the reasons stated, we deny the requested relief.

MOTION DENIED.

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