

NOT DESIGNATED FOR PUBLICATION

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

CA 17-510

FELISHA MYERS, INDIV. AND O/B/O BRITTANY KLUMPP

VERSUS

RICKY KLUMPP

**APPEAL FROM THE
FIFTEENTH JUDICIAL DISTRICT COURT
PARISH OF ACADIA, NO. 2016-10802
HONORABLE KRISTIAN DENNIS EARLES, DISTRICT JUDGE**

**CANDYCE G. PERRET
JUDGE**

Court composed of Sylvia R. Cooks, John D. Saunders, and Candyce G. Perret, Judges.

LIMITED REMAND ORDERED.

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PERRET, Judge.

Appellant, Ricky Klumpp (“Mr. Klumpp”), appeals a default judgment entered against him for his daughter’s pain and suffering and past and future medical expenses for injuries she sustained when Mr. Klumpp punched her repeatedly while on a road trip. Mr. Klumpp challenges his daughter’s right to bring a lawsuit against him, and also asserts the damages awarded are excessive and not supported by the evidence.

The parents of this minor child were divorced at the time that this action was filed. The mother of the child claims that she possesses the right to bring this action on behalf of her daughter; however, the record before this court lacks the documentation necessary to establish tutorship of the minor child. *See* La.Civ.Code art. 250; La.Code Civ.P. art. 4031, et seq; and specifically La.Code Civ.P. art. 4061.1.

Accordingly, in the interest of justice, we enter a limited remand of this matter and order the trial court to conduct an evidentiary hearing at which the mother is permitted to introduce the appropriate documentation to establish her tutorship of the child, if she possesses such documentation. The hearing is to be conducted within sixty days of this ruling herein. We order the clerk of court’s office for the district court to file a supplemental record of these proceedings with this court within fourteen days of completion of the hearing. Following supplementation of this record with these proceedings, this court will proceed with the current appeal in this case.

LIMITED REMAND ORDERED. THIS OPINION IS NOT DESIGNATED FOR PUBLICATION. RULE 2-16.3, UNIFORM RULES—COURTS OF APPEAL.