

**NOT DESIGNATED FOR PUBLICATION**

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

**CA 21-346**

**STATE OF LOUISIANA, ET AL.**

**VERSUS**

**RED RIVER WATERWAY COMMISSION, ET AL.**

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**APPEAL FROM THE  
TENTH JUDICIAL DISTRICT COURT  
PARISH OF NATCHITOCHEs, NO. 90,597B  
HONORABLE LALA BRITAIN SYLVESTER, DISTRICT JUDGE**

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**ELIZABETH A. PICKETT  
JUDGE**

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Court composed of Elizabeth A. Pickett, Billy H. Ezell and Jonathan W. Perry,  
Judges.

**MOTION FOR SPECIAL SETTING DENIED;  
EXPEDITED CONSIDERATION GRANTED.**

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**PICKETT, Judge.**

The appellant, State of Louisiana, represented herein by the Attorney General and the District Attorney for the Tenth Judicial District, filed a filed a Motion for Special Setting and Expedited Consideration. The appellees, John Bel Edwards in his capacity as Governor of the State of Louisiana, and Ronald Lattier, filed an opposition to the motion. For the reasons set forth herein, we deny the motion for a special setting and grant the motion for expedited consideration.

The instant case arises out of a dispute regarding the legality of Governor John Bel Edwards' appointment of Ronald Lattier as the Caddo Parish Member of the Red River Waterway Commission. The term of Mr. Lattier's appointment expires on July 1, 2021.

Pursuant to an agreement between the parties, the trial court decided this case on briefs, without a trial, and upon stipulated facts and exhibits. On April 29, 2021, the trial court rendered Final Judgment in this matter, denying the state's petition. Notice of judgment was mailed to the parties on April 30, 2021. The state filed a Motion for Devolutive Appeal and Expedited Return date on May 5, 2021, and the trial court set a return date of June 5, 2021. The state asserts that two legal issues for this court to consider are 1) whether the appointment of Mr. Lattier violated La.R.S. 34:2303, and if so, 2) whether Mr. Lattier should be excluded from office pursuant to the Intrusion into Office Act, La.R.S. 42:71-87.

The state argues that pursuant to La.R.S. 42:85, the appeal of an action brought under the Intrusion into Office Act shall be heard by preference. Further, the state maintains that a court of appeal may grant a special assignment "in any case where the state or any subdivision thereof is a party, or in any matter impressed with the public interest, or in any case where the interest of justice

clearly requires an immediate or special hearing.” Uniform Rules—Courts of Appeal, Rule 2-11.2. Accordingly, the state requests a special setting for this matter and an expedited briefing schedule due to the identities of the parties in this case. *See St. Tammany Par. Council v. Brown*, 443 So.2d 1 (La.App. 1 Cir. 1983).

The state also asserts that a special setting and expedited consideration of this appeal is warranted as this case presents a “matter impressed with the public interest” where the state disputes the validity of an appointment to the Red River Waterway Commission, a public body responsible for overseeing operation and maintenance of a navigable waterway system that reaches seven parishes in central and northern Louisiana. *See* La.R.S. 34:2301 and 2302. Further, the state contends that justice requires expedited resolution of this case due to the approaching expiration of Mr. Lattier’s term in office. Upon the expiration of his term, Governor Edwards will appoint a new Caddo Parish Member of the Red River Waterway Commission pursuant to the same statute the state alleged was violated in the appointment of Mr. Lattier. Due to the July 1, 2021 expiration of Mr. Lattier’s current term, the state seeks a resolution of this appeal no later than June 30, 2021.

Governor Edwards and Mr. Lattier oppose the state’s request for a special setting and expedited briefing schedule, arguing that it is unwarranted in this case. The relief sought by the state—namely, the removal of Mr. Lattier from office—will have no practical effect in furtherance of the public interest. Governor Edwards and Mr. Lattier add that the June 2021 meeting of the Red River Waterway Commission was held on June 16, 2021, and they reiterate that Mr. Lattier’s current term, the subject of the instant litigation, expires on July 1, 2021. Since the June meeting has already been held and Mr. Lattier’s term is set to expire

imminently, Governor Edwards and Mr. Lattier urge there is no need for a swift resolution of this case. Governor Edwards and Mr. Lattier conclude that the state's requested relief, were it afforded them, could only have minimal effect on the public interest.

We note that La.R.S. 42:85 pertains to appeals to the supreme court and does not direct this court to hear this matter by preference. Therefore, we find La.R.S. 42:85 is inapplicable to the instant case.

Since Mr. Lattier's term is ending July 1, 2021, we do not agree with the urgency in the state's request for a special setting for this matter. The case, however, will be expedited and placed on the next available docket. Accordingly, we deny the state's Motion for Special Setting.

**MOTION FOR SPECIAL SETTING DENIED; EXPEDITED  
CONSIDERATION GRANTED.**

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