

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

CHARLES A. RIVAUT, ARTHUR
R. LEJEUNE, CLAUDIA J.
LEJEUNE, WILLIAM J. GIBSON,
AND AUDUBON TERRACE RESIDENT
HOMEOWNERS ASSOCIATION

NO. 2019 CW 1587

VERSUS

FEB 10 2020

AMERICA HOMELAND, LLC

In Re: America Homeland, LLC, applying for supervisory writs,
19th Judicial District Court, Parish of East Baton
Rouge, No. 650708.


BEFORE: McCLENDON, WELCH, AND HOLDRIDGE, JJ.

WRIT DENIED.

PMc
GH

Welch, J., concurs in part and dissents in part. I dissent and would reverse, in part, the trial court's November 9, 2019 judgment which granted the exception of lack of subject matter jurisdiction filed by plaintiffs-defendants-in-reconvention and third party defendants and vacated the court's August 7, 2019 judgment granting leave of court to America Homeland, L.L.C. to file its Second Amending and Supplemental Answer, Affirmative Defense Exceptions and Reconventional Demand, only to the extent that this amended pleading sought to amend and supplement the third party demand. The April 16, 2019 judgment which is the subject of the devolutive appeal order signed on May 28, 2019 did not affect the third party demand filed by America Homeland, L.L.C., and therefore, the trial court is not divested of jurisdiction over the third party demand. See La. Code Civ. P. art. 2088(A). To the extent that this second amended pleading amended or supplemented the response to plaintiff's claims or the reconventional demand which are the subjects of the April 16, 2019 judgment, I concur in the denial of the writ.

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DEPUTY CLERK OF COURT
FOR THE COURT