

**SUPREME COURT OF LOUISIANA**

**No. 01-C-1522**

**JUSTIN BRIAN LENARD, ET AL.**

**VERSUS**

**ERWIN DILLEY, ET AL.**

KIMBALL, Justice, concurring

Although I concur with the majority's resolution of the legal issue involved in this case, I write separately to express my belief that it is poor policy for this court to grant certiorari in cases where the decision appealed is one granting a motion in limine, a motion which is not provided for by our Codes, but has come into being by trial practice. Reviewing decisions stemming from motions in limine is, in my view, an inefficient allocation of this court's already strained judicial time and resources because decisions relating to such motions are generally made prior to trial, are interlocutory rulings that can be changed by the trial court during the course of trial, and often reach this court without a developed record upon which to review the trial court's decision. Additionally, I question the propriety of this court's exercise of supervisory jurisdiction in this particular matter since none of the writ grant considerations expressed in Louisiana Supreme Court Rule X, §1 is present. While it is true that these considerations do not control or fully measure the court's discretion in granting an application for writs, I see no reason for this court to address the issue presented in this case at this stage of the proceedings. In my view, it would

have been preferable for this court to deny the application for certiorari for the reasons expressed above, allow the case to proceed to trial, and consider the proper interpretation of La. R.S. 32:24 if the parties raise this issue in an application for supervisory writs following trial on the merits.