

04/29/2019 "See News Release 019 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

NO. 19-CC-0390

FEBEE LOUKA

VERSUS

**THE BOARD OF SUPERVISORS FOR THE UNIVERSITY OF
LOUISIANA SYSTEM D/B/A UNIVERSITY OF LOUISIANA
AT LAFAYETTE; AND ABC INSURANCE COMPANY**

**ON SUPERVISORY WRITS TO THE 19TH JUDICIAL DISTRICT COURT
FOR THE PARISH OF EAST BATON ROUGE**

GENOVESE, J., would grant this writ for the following reasons:

The issue in this writ application is forum non conveniens. Here, plaintiff was employed as a chemistry professor by the University of Louisiana at Lafayette (ULL). Plaintiff alleges she was exposed to toxic mold and filed the instant suit for damages against ULL in the 19th Judicial District Court (19th JDC) for East Baton Rouge Parish.

ULL filed a motion to transfer the case to the 15th Judicial District Court (15th JDC), which covers Lafayette, Acadia and Vermilion parishes. ULL contends that the 15th JDC is a more convenient forum than the 19th JDC. I agree; the majority of this Court does not.

Louisiana Code of Civil Procedure Article 123(A)(1) permits the trial court to transfer a civil case to another district court where it might have been brought. It is undisputed that this case could have been brought in the 19th JDC or the 15th JDC. It was brought, however, in the 19th JDC in East Baton Rouge Parish some fifty miles or so from the alleged exposure to toxic mold in a building on the ULL campus in Lafayette.

In my view, Lafayette is a more convenient forum than Baton Rouge. Factually speaking, the matter is almost entirely connected with Lafayette, i.e., the operative facts occurred in Lafayette, and the fact witnesses, as well as plaintiff's health care professionals, are located in Lafayette. Here, plaintiff chose to forego her home domicile and travel to Baton Rouge to file her case, which she is legally entitled to do; however, the inconvenience to the parties and to the witnesses is evident.

The standard of review in this matter is abuse of discretion, and I find the trial court abused its discretion in forcing the parties and witnesses to readily traverse the fifty miles of Interstate 10 between Lafayette and Baton Rouge to litigate this case. I would reverse the lower courts' denial of defendant/ULL's motion to transfer venue, grant said forum non conveniens motion, and transfer this case to the 15th JDC for further proceedings.