

# Supreme Court of Louisiana

## OFFICIAL DOCKET

### IMPORTANT NOTICE

The Rules of court provide that the time period for oral argument will be allotted in the following fashion: Forty minutes divided equally between the opposing parties in lawyer discipline cases and all criminal cases except capital cases; Sixty minutes divided equally between the opposing parties in civil cases and Judiciary Commission matters; Eighty minutes divided equally between the opposing parties in capital cases. Additional time may be allotted, but only for good cause upon request made in advance of argument.

MONDAY, MARCH 24, 2014

2:00 P.M. SESSION

ALL COUNSEL ARE REQUIRED TO REPORT TO THE COURT CRIER FIFTEEN (15) MINUTES PRIOR TO THE CONVENING OF COURT

(Retired Judge Lemmie O. Hightower, assigned as Justice ad hoc, sitting for Hughes, J., recused, in case number 2013-C-1582 c/w 2013-C-1588 c/w 2013-C-1703 only.)

**2013-C -1582** QUALITY ENVIRONMENTAL PROCESSES, INC., MICHAEL X. ST. MARTIN AND VIRGINIA RAYNE ST. MARTIN VS. I. P. PETROLEUM COMPANY, INC., INTERNATIONAL PAPER COMPANY, MONTGOMERY, BARNETT, BROWN, READ, HAMMOND & MINTZ, L.L.P., AND JOHN Y. PEARCE

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FIRST CIRCUIT, PARISH OF TERREBONNE

Harry T. Lemmon;  
SAINT MARTIN & BOURQUE,  
Michael X. St.Martin,  
Christopher John St. Martin;  
THE GRAY FIRM, APLC,  
A. J. Gray, III,  
For Applicant;

FISHMAN HAYGOOD PHELPS WALMSLEY WILLIS & SWANSON,  
Brent Bennett Barriere;  
MAYHALL & BLAIZE, LLC,  
Jamie Scott Manuel;  
MONTGOMERY BARNETT, LLP,  
John Y. Pearce;  
PHELPS DUNBAR, LLP,  
Harry Alston Johnson, III;  
TAYLOR, PORTER, BROOKS & PHILLIPS, LLP,  
William Shelby McKenzie,  
Amy Collier Lambert;  
For Respondent.

CONSOLIDATED WITH NO. 2013-C-1588 and 2013-C -1703

# Supreme Court of Louisiana

MONDAY, MARCH 24, 2014

2:00 P.M. SESSION

**2013-C -1588** QUALITY ENVIRONMENTAL PROCESSES, INC., MICHAEL X. ST. MARTIN AND VIRGINIA RAYNE ST. MARTIN VS. I. P. PETROLEUM COMPANY, INC., INTERNATIONAL PAPER COMPANY, MONTGOMERY, BARNETT, BROWN, READ, HAMMOND & MINTZ, L.L.P., AND JOHN Y. PEARCE

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FIRST CIRCUIT, PARISH OF TERREBONNE

MONTGOMERY BARNETT, LLP,  
John Y. Pearce;  
TAYLOR, PORTER, BROOKS & PHILLIPS, LLP,  
William Shelby McKenzie,  
Amy Collier Lambert;  
For Applicant;

Harry T. Lemmon;  
FISHMAN HAYGOOD PHELPS WALMSLEY WILLIS & SWANSON,  
Brent Bennett Barriere;  
MAYHALL & BLAIZE, LLC,  
Jamie Scott Manuel;  
PHELPS DUNBAR, LLP,  
Harry Alston Johnson, III;  
SAINT MARTIN & BOURQUE,  
Michael X. St.Martin,  
Christopher John St. Martin;  
THE GRAY FIRM, APLC,  
A. J. Gray, III;  
For Respondent.

CONSOLIDATED WITH NO. 2013-C-1582 and 2013-C -1703

**2013-C -1703** QUALITY ENVIRONMENTAL PROCESSES, INC., MICHAEL X. ST. MARTIN AND VIRGINIA RAYNE ST. MARTIN VS. I. P. PETROLEUM COMPANY, INC., INTERNATIONAL PAPER COMPANY, MONTGOMERY, BARNETT, BROWN, READ, HAMMOND & MINTZ, L.L.P., AND JOHN Y. PEARCE

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FIRST CIRCUIT, PARISH OF TERREBONNE

FISHMAN HAYGOOD PHELPS WALMSLEY WILLIS & SWANSON,,  
Brent Bennett Barriere;  
MAYHALL & BLAIZE, LLC,  
Jamie Scott Manuel;  
PHELPS DUNBAR, LLP,  
Harry Alston Johnson, III;  
For Applicant;

Harry T. Lemmon;  
SAINT MARTIN & BOURQUE,  
Michael X. St.Martin,  
Christopher John St. Martin;  
TAYLOR, PORTER, BROOKS & PHILLIPS, LLP,  
William Shelby McKenzie,  
Amy Collier Lambert;  
THE GRAY FIRM, APLC,  
A. J. Gray, III;  
For Respondent.

# Supreme Court of Louisiana

MONDAY, MARCH 24, 2014

2:00 P.M. SESSION

**2013-CA-2011** CITY OF BATON ROUGE/PARISH OF EAST BATON ROUGE VS.  
STEPHEN C. MYERS

ON APPEAL FROM THE NINETEENTH JUDICIAL DISTRICT COURT  
FOR THE PARISH OF EAST BATON ROUGE

Hon. James D., Caldwell, Attorney General;  
BATON ROUGE PARISH ATTORNEY OFFICE,  
Mary E. Roper, Parish Counsel;  
Frank J. Gremillion, Assistant Parish Counsel;  
Maimuna Dakubu Magee, Assistant Parish Counsel;  
For Appellant;

SHOWS, CALI & WALSH, LLP,  
Edmond Wade Shows,  
Grant Joseph Guillot;  
For Appellee.

CONSOLIDATED WITH NO. 2013-CD-2036

**2013-CD-2036** CITY OF BATON ROUGE/PARISH OF EAST BATON ROUGE VS.  
STEPHEN C. MYERS

ON SUPERVISORY WRIT TO THE NINETEENTH JUDICIAL  
DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

Hon. James D., Caldwell, Attorney General;  
BATON ROUGE PARISH ATTORNEY OFFICE,  
Mary E. Roper, Parish Counsel;  
Frank J. Gremillion, Assistant Parish Counsel;  
Maimuna Dakubu Magee, Assistant Parish Counsel;  
For Applicant;

SHOWS, CALI & WALSH, LLP,  
Edmond Wade Shows,  
Grant Joseph Guillot;  
For Respondent.

# Supreme Court of Louisiana

MONDAY, MARCH 24, 2014

2:00 P.M. SESSION

2013-C -1855      ROBERT L. THOMAS    VS.    CYNTHIA BRIDGES, SECRETARY  
DEPARTMENT OF REVENUE, STATE OF LOUISIANA

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FIRST  
CIRCUIT, PARISH OF LIVINGSTON

Hon. James D. Caldwell, Attorney General;  
LOUISIANA DEPARTMENT OF REVENUE,  
Miranda Yvette Conner,  
Johnette L. Martin,  
Jason M. DeCuir,  
Miranda Yvette Conner,  
Kimberly Doley;  
STUTES & LAVERGNE, LLC,  
Russell J. Stutes, Jr.;  
For Applicant;

SEALE & ROSS, PLC,  
Carl Samuel Goode,  
Kevin Paul Landreneau,  
Johanna R. Landreneau;  
For Respondent.

Posted: February 7, 2014; Revised March 18, 2014

# Supreme Court of Louisiana

## OFFICIAL DOCKET

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**TUESDAY, MARCH 25, 2014**  
**9:30 A.M. SESSION**

ALL COUNSEL ARE REQUIRED TO REPORT TO THE COURT CRIER FIFTEEN (15) MINUTES PRIOR TO THE CONVENING OF COURT

**2013-C -1564** MAJDI KHAMMASH, MAHA KHAMMASH, AND SARRIS, SARRARA AND DANNIAH KHAMMASH VS. JOHN E. CLARK, M.D., JOHN E. CLARK M.D., LTD., LOUISIANA SPINE AND SPORTS MEDICINE, L.L.C., GLORIA WALL, HEATHER B. LANDRY AND CAPITOL CITY PHYSICAL THERAPY GROUP

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FIRST CIRCUIT, PARISH OF E. BATON ROUGE

SHOCKEY & ASSOCIATES,  
William Carl Shockey,  
Bradley Christopher Stidham;  
For Applicant;

THE ROWE LAW FIRM, LLC,  
William C. Rowe, Jr.,  
David Creighton Bolton;  
For Respondent.

CONSOLIDATED WITH NO. 2013-C -1736

**2013-C -1736** MAJDI KHAMMASH, MAHA KHAMMASH, AND SARRIS, SARRARA AND DANNIAH KHAMMASH VS. JOHN E. CLARK, M.D., JOHN E. CLARK M.D., LTD., LOUISIANA SPINE AND SPORTS MEDICINE, L.L.C., GLORIA WALL, HEATHER B. LANDRY AND CAPITOL CITY PHYSICAL THERAPY GROUP

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FIRST CIRCUIT, PARISH OF E. BATON ROUGE

THE ROWE LAW FIRM, LLC,  
William C. Rowe, Jr.,  
David Creighton Bolton;  
For Applicant;

SHOCKEY & ASSOCIATES,  
William Carl Shockey,  
Bradley Christopher Stidham;  
For Respondent.

# Supreme Court of Louisiana

TUESDAY, MARCH 25, 2014

9:30 A.M. SESSION

**2013-CC-1575** ASHLEY HOFFMAN, INDIVIDUALLY AND ON BEHALF OF ALL  
OTHERS SIMILARLY SITUATED VS. TRAVELERS INDEMNITY  
COMPANY OF AMERICA

ON SUPERVISORY WRITS TO THE EIGHTEENTH JUDICIAL  
DISTRICT COURT FOR THE PARISH OF IBERVILLE

LUGENBUHL, WHEATON, PECK, RANKIN & HUBBARD,  
Ralph Shelton Hubbard, III,  
Seth Andrew Schmeeckle,  
Anne Elizabeth Briard,  
Rachel A Clark;  
PENDLEY, BAUDIN & COFFIN, LLP,  
Patrick W. Pendley;  
For Applicant;

MELANCON & RIMES,  
Jason Luke Melancon,  
Robert Cameron Rimes,  
Rachel Marie Abadie;  
TOMENY LAW FIRM, APLC,  
Frank Tomeny, III;  
For Respondent.

**2013-CC-2778** LANGE WALKER ALLEN, II VS. SUSAN TAYLOR ALLEN

ON SUPERVISORY WRITS TO THE TWENTY-SECOND JUDICIAL  
DISTRICT COURT FOR THE PARISH OF ST. TAMMANY

LOWE, STEIN, HOFFMAN, ALLWEISS & HAUVER,  
Robert Charles Lowe,  
Suzette Marie Smith,  
Marynell Lapuyade Piglia,  
Jeffrey M. Hoffman;  
For Applicant;

John Alford Hollister;  
For Respondent.

# Supreme Court of Louisiana

TUESDAY, MARCH 25, 2014

2:00 P.M. SESSION

ALL COUNSEL ARE REQUIRED TO REPORT TO THE COURT CRIER FIFTEEN (15) MINUTES PRIOR TO THE CONVENING OF COURT

**2013-CC-2326** CALLIE ANN COOK VS. FAMILY CARE SERVICES, INC.

ON SUPERVISORY WRITS TO THE OFFICE OF WORKERS' COMPENSATION, DISTRICT 2

BROUSSARD, HALCOMB & VIZZIER,  
Dorwan Gene Vizzier;  
For Applicant;

GLUSMAN, BROYLES & GLUSMAN,  
Stephen Winston Glusman,  
GUGLIELMO, LOPEZ, TUTTLE, HUNTER & JARRELL, LLP,  
H. Douglas Hunter;  
JUGE, NAPOLITANO, GUILBEAU, RULI, FRIEMAN & WHITEL,  
Denis Paul Juge,  
For Respondent.

CONSOLIDATED WITH NO. 2013-C-2351

**2013-C -2351** CHURCH MUTUAL INSURANCE COMPANY AND TRINITY UNITED METHODIST PRESCHOOL VS. THELMA DARDAR

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FOURTH CIRCUIT, OFFICE OF WORKERS' COMPENSATION, DISTRICT 7

GUGLIELMO, MARKS, SCHUTTE, TERHOEVE & LOVE,  
Andrew Wallace Eversberg;  
For Applicant;

C RAY MURRY, LLC,  
Charles Ray Murry;  
For Respondent.

**2013-KK-1422** STATE OF LOUISIANA VS. JOHN EMMITT GATES

ON SUPERVISORY WRITS TO THE TWENTY-SIXTH JUDICIAL DISTRICT COURT FOR THE PARISH OF BOSSIER

Hon. James D. Caldwell, Attorney General;  
BOSSIER PARISH DISTRICT ATTORNEY'S OFFICE,  
Hon. John(Schuyler)Marvin, District Attorney,  
Robert Randall Smith, Assistant District Attorney;  
For Applicant;

WHITLEY R GRAVES APLC,  
Whitley Robert Graves;  
For Respondent.

# Supreme Court of Louisiana

TUESDAY, MARCH 25, 2014

2:00 P.M. SESSION

2013-KK-1681 STATE OF LOUISIANA VS. RICO WEBB

ON SUPERVISORY WRITS TO CRIMINAL DISTRICT COURT FOR  
THE PARISH OF ORLEANS

ORLEANS PUBLIC DEFENDERS,  
Colin Reingold;  
For Applicant;

Hon. James D. Caldwell, Attorney General,  
Colin Clark, Assistant Attorney General,  
Jessica M.P. Thornhill, Assistant Attorney General,  
Steven B. Jones, Assistant Attorney General;  
ORLEANS PARISH DISTRICT ATTORNEY'S OFFICE,  
Hon. Leon A. Cannizzaro, Jr., District Attorney,  
Donna R. Andrieu, Assistant District Attorney,  
Kyle Daly, Assistant District Attorney;  
For Respondent.

POSTED: FEBRUARY 7, 2014



# Supreme Court of Louisiana

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WEDNESDAY, MARCH 26, 2014

9:30 A.M. SESSION

ALL COUNSEL ARE REQUIRED TO REPORT TO THE COURT CRIER FIFTEEN (15) MINUTES PRIOR TO THE CONVENING OF COURT

**2013-B -2873** IN RE: CLARENCE T. NALLS, JR.

DISCIPLINARY PROCEEDINGS

OFFICE OF DISCIPLINARY COUNSEL,  
Charles Bennett Plattsmier,  
G. Fred Ours;  
For Applicant;

Clarence Theo Nalls, Jr.;  
SCHIFF, SCHECKMAN & WHITE,  
Julie Brown White;  
For Respondent.

**2013-B -2929** IN RE: ELIZABETH ASHLEY BRUNET-ROBERT

DISCIPLINARY PROCEEDINGS

OFFICE OF DISCIPLINARY COUNSEL,  
Charles Bennett Plattsmier,  
James William Standley, IV;  
For Applicant;

Elizabeth Ashley Brunet-Robert;  
Henry Howard Lemoine, Jr.;  
For Respondent.

# Supreme Court of Louisiana

WEDNESDAY, MARCH 26, 2014

9:30 A.M. SESSION

**2013-B -2424** IN RE: SEAN DANIEL ALFORTISH

DISCIPLINARY PROCEEDINGS

OFFICE OF DISCIPLINARY COUNSEL,  
Charles Bennett Plattsmier,  
G. Fred Ours;  
For Applicant;

Sean Daniel Alfortish;  
SCHIFF, SCHECKMAN & WHITE,  
Leslie J. Schiff,  
Julie Brown White;  
For Respondent.

# Supreme Court of Louisiana

WEDNESDAY, MARCH 26, 2014

2:00 P.M. SESSION

ALL COUNSEL ARE REQUIRED TO REPORT TO THE COURT CRIER FIFTEEN (15) MINUTES PRIOR TO THE CONVENING OF COURT

**2013-B -2688** IN RE: DAVID J. MITCHELL

DISCIPLINARY PROCEEDINGS

OFFICE OF DISCIPLINARY COUNSEL,  
Charles Bennett Plattsmier,  
For Applicant;

David John Mitchell;  
Dane S. Ciolino;  
For Respondent.

**2013-B -2699** IN RE: OTHA CURTIS NELSON, SR.

DISCIPLINARY PROCEEDINGS

OFFICE OF DISCIPLINARY COUNSEL,  
Charles Bennett Plattsmier,  
Yolanda Cezar;  
For Applicant;

Otha Curtis Nelson, Sr.;  
SCHIFF, SCHECKMAN & WHITE,  
Julie Brown White;  
For Respondent.

**2014-O -188** IN RE: HON. JANICE GARTRELL CLARK

JUDICIARY COMMISSION OF LOUISIANA

OFFICE OF SPECIAL COUNSEL,  
John Eric Keeling;  
For Applicant;

Hon. Janice Gartrell Clark;  
STANLEY, REUTER, ROSS, THORNTON & ALFORD, LLC,  
Richard Charles Stanley,  
William M. Ross,  
Gina M. Palermo;  
DUE, PRICE, GUIDRY, PIEDRAHITA & ANDREWS, PA,  
Robert deLoney Downing;  
For Respondent.

Clare Dolores Fiasconaro, Commission Counsel

POSTED: FEBRUARY 7, 2014; Revised: February 17, 2014;  
Revised: March 18, 2014

# Supreme Court of Louisiana

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THURSDAY, MARCH 27, 2014

9:30 A.M. SESSION

ALL COUNSEL ARE REQUIRED TO REPORT TO THE COURT CRIER FIFTEEN (15) MINUTES PRIOR TO THE CONVENING OF COURT

**2013-C -1734** JOYCE GORMAN VS. CITY OF OPELOUSAS, ET AL.

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, THIRD CIRCUIT, PARISH OF ST. LANDRY

Argument Limited to  
Fifteen Minutes  
Each Side

ADAMS AND REESE, LLP,  
Louis Charles LaCour, Jr.;  
For Applicant;

MORROW, GATES & MORROW, LLC,  
James Steven Gates;  
Marcus Anthony Allen, Sr.;  
DORAN & CAWTHORNE, PLLC,  
Pride Justin Doran;  
For Respondent.

**2013-K -1311** STATE OF LOUISIANA VS. SAMUEL E. MACK, JR.

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FOURTH CIRCUIT, PARISH OF ORLEANS

Possible Summary  
Disposition

Hon. James D., Caldwell, Attorney General,  
ORLEANS PARISH DISTRICT ATTORNEY'S OFFICE  
Hon. Leon A. Cannizzaro, Jr, District Attorney,  
Donna R. Andrieu, Assistant District Attorney  
Kyle C. Daly, Assistant District Attorney;  
For Applicant;

Samuel Mack;  
H2 LAW, LLC,  
Justin Caine Harrell;  
For Respondent.

# Supreme Court of Louisiana

THURSDAY, MARCH 27, 2014

9:30 A.M. SESSION

**2013-KK-1859** STATE OF LOUISIANA VS. MORRIS DAVENPORT, JR.

ON SUPERVISORY WRITS TO THE ELEVENTH JUDICIAL DISTRICT  
COURT FOR THE PARISH OF SABINE

Hon. James D. Caldwell, Attorney General;  
SABINE PARISH DISTRICT ATTORNEY'S OFFICE,  
Hon. Don M. Burkett, District Attorney;  
For Applicant;

D SCOTT KENDRICK, ATTORNEY AT LAW,  
David Scott Kendrick;  
For Respondent.

POSTED: FEBRUARY 7, 2014; REVISED: March 18, 2014