

# 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 13, 2017**

**2:00 P.M. SESSION**

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

**2016-C-1395** DANIELLE DEON DICKERSON ACURIO VS. DR. MICHAEL THOMAS  
ACURIO

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, SECOND  
CIRCUIT, PARISH OF BOSSIER

WIENER, WEISS & MADISON, APC,  
Charles Edward Tabor;  
For Applicant;

Tommy Jan Johnson;  
For Respondent.

**2015-KP-1283** STATE OF LOUISIANA VS. CALVIN KING

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FIFTH  
CIRCUIT, PARISH OF JEFFERSON

James Alan Williams;  
Roger Williams Jordan, Jr.;  
Timothy Thomas Yazbeck;  
Elizabeth Anne Zavala;  
Lynleigh Georgana Noel;  
For Applicant;

JEFFERSON PARISH DISTRICT ATTORNEY'S OFFICE,  
Hon. Paul D. Connick, Jr., District Attorney,  
Terry Michael Boudreaux,  
Darren Anthony Allemand;  
For Respondent.

# Supreme Court of Louisiana

MONDAY, MARCH 13, 2017

2:00 P.M. SESSION

**2016-CQ-1372**      ERIC BORCIK    VS.    CROSBY TUGS, L.L.C.

ON CERTIFIED QUESTION FROM THE UNITED STATES FIFTH  
CIRCUIT COURT OF APPEALS

Elizabeth Tarver Landry;  
JAMES L. ARRUEBARRENA, ATTORNEY AT LAW, LLC,  
James L. Arruebarrena;  
ROBERT B. LANDRY III, PLC,  
Robert Broussard Landry, III;  
For Appellant;

Miles Paul Clements,  
Joseph Edward Lee, III,  
Heather McArthur;  
For Appellee.

POSTED: JANUARY 27, 2017; REVISED: FEBRUARY 3, 2017. REVISED:  
FEBRUARY 13, 2017

# Supreme Court of Louisiana

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**TUESDAY, MARCH 14, 2017**

**9:30 A.M. SESSION**

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

**2016-C-1855**

CENTRAL PROPERTIES VS. FAIRWAY GARDENHOMES, LLC, ET AL. C/W HUSKER PARTNERS/US BANK D/B/A HUSKER PARTNERS VS. FAIRWAY GARDENHOMES, LLC, ET AL. C/W HUSKER PARTNERS/US BANK D/B/A HUSKER PARTNERS VS. FAIRWAY GARDENHOMES, LLC, ET AL.

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FIRST CIRCUIT, PARISH OF ST. TAMMANY

Retired Judge Walter James Rothschild, assigned as Justice ad hoc, sitting for Hughes, J., recused in case numbers 2016-C-1855 & 2016-C-1946 only

ADAIR ASSET MANAGEMENT, LLC,  
Melissa T. Castille;  
FLANAGAN PARTNERS LLP,  
Thomas More Flanagan,  
Andy Joseph Dupre,  
Camille Elise Gauthier;  
PHELPS DUNBAR, LLP,  
Harry Alston Johnson, III;  
US ASSETS, LLC,  
Van Vy Ky;  
For Applicant;

TALLEY, ANTHONY, HUGHES & KNIGHT, LLC,  
E. B. Dittmer, II;  
For Respondent.

CONSOLIDATED WITH NO. 2016-C-1946

# Supreme Court of Louisiana

TUESDAY, MARCH 14, 2017

9:30 A.M. SESSION

**2016-C-1946** CENTRAL PROPERTIES VS. FAIRWAY GARDENHOMES, LLC, ET AL. C/W HUSKER PARTNERS/US BANK D/B/A HUSKER PARTNERS VS. FAIRWAY GARDENHOMES, LLC, ET AL. C/W HUSKER PARTNERS/US BANK D/B/A HUSKER PARTNERS VS. FAIRWAY GARDENHOMES, LLC, ET AL.

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FIRST CIRCUIT, PARISH OF ST. TAMMANY

Retired Judge Walter James Rothschild, assigned as Justice ad hoc, sitting for Hughes, J., recused in case numbers 2016-C-1855 & 2016-C-1946 only

TALLEY, ANTHONY, HUGHES & KNIGHT, LLC,  
E. B. Dittmer, II;  
For Applicant;

ADAIR ASSET MANAGEMENT, LLC,  
Melissa T. Castille;  
FLANAGAN PARTNERS LLP,  
Thomas More Flanagan,  
Andy Joseph Dupre,  
Camille Elise Gauthier;  
PHELPS DUNBAR, LLP,  
Harry Alston Johnson, III;  
US ASSETS, LLC,  
Van Vy Ky;  
For Respondent.

**2016-C-1663** JAZZ CASINO COMPANY, L.L.C. VS. CYNTHIA BRIDGES, SECRETARY, LOUISIANA DEPARTMENT OF REVENUE

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

JONES WALKER LLP,  
Jesse R. Adams, III,  
Andre Brian Burvant,  
Justin Buford Stone;  
For Applicant;

LOUISIANA DEPARTMENT OF REVENUE,  
Debra Dauzat Morris,  
Brandea Powell Averett,  
Brian C. DeJean,  
Miranda Yvette Conner,  
Antonio Charles Ferachi;  
For Respondent.

# Supreme Court of Louisiana

TUESDAY, MARCH 14, 2017

9:30 A.M. SESSION

**2015-KO-1404**      STATE OF LOUISIANA    VS.    GARY D. HOWARD

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, SECOND  
CIRCUIT, PARISH OF CADDO

James S. Andes;  
LOUISIANA APPELLATE PROJECT,  
Peggy Sullivan;  
For Applicant;

Argument Limited to  
Fifteen Minutes  
Each Side

CADDO PARISH DISTRICT ATTORNEY'S OFFICE,  
Hon. James Edward Stewart, District Attorney,  
Rebecca Armand Edwards;  
For Respondent.

POSTED: JANUARY 27, 2017; REVISED: FEBRUARY 3, 2017

# Supreme Court of Louisiana

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**TUESDAY, MARCH 14, 2017**

**2:00 P.M. SESSION**

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

**2016-CC-1857**

TODD HUVAL AND CHAD BOYER VS. STATE OF LOUISIANA THROUGH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, OFFICE OF STATE POLICE, MASTER TROOPER HAL HUTCHINSON, INDIVIDUALLY, AND IN HIS OFFICIAL CAPACITY AS AN EMPLOYEE OF THE OFFICE OF STATE POLICE, LIEUTENANT RHETT TRAHAN, INDIVIDUALLY, AND IN HIS OFFICIAL CAPACITY AS AN EMPLOYEE OF THE OFFICE OF STATE POLICE, INVESTIGATOR BUZZY TRAHAN, INDIVIDUALLY, AND IN HIS OFFICIAL CAPACITY AS AN EMPLOYEE OF THE OFFICE OF STATE POLICE, LIEUTENANT KEVIN DEVAL, INDIVIDUALLY, AND IN HIS OFFICIAL CAPACITY AS AN EMPLOYEE OF THE OFFICE OF STATE POLICE, INVESTIGATOR BART MORRIS, INDIVIDUALLY, AND IN HIS OFFICIAL CAPACITY AS AN EMPLOYEE OF THE OFFICE OF STATE POLICE, INVESTIGATOR HAMPTON GUILLORY, INDIVIDUALLY, AND IN HIS OFFICIAL CAPACITY AS AN EMPLOYEE OF THE OFFICE OF STATE POLICE, AND LT COLONEL STANLEY GRIFFIN, INDIVIDUALLY, AND IN HIS OFFICIAL CAPACITY AS AN EMPLOYEE OF THE OFFICE OF STATE POLICE

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

LOUISIANA DEPARTMENT OF JUSTICE,  
Hon. Jeffrey Martin Landry, Attorney General,  
Grant Lloyd Willis;  
For Applicant;

Danny Joseph Louviere;  
For Respondent.

# Supreme Court of Louisiana

TUESDAY, MARCH 14, 2017

2:00 P.M. SESSION

**2016-C-1591** FLOYD SAFFORD VS. HAMMERMAN & GAINER INTERNATIONAL  
INC. AND NEW ORLEANS FIRE DEPARTMENT

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FOURTH  
CIRCUIT, OFFICE OF WORKERS' COMPENSATION, DISTRICT 8

Argument Limited to  
Fifteen Minutes  
Each Side

PUGH, ACCARDO, HAAS, RADECKER & CAREY, LLC,  
Christopher Marc Landry,  
Erzsebet Pifko;  
For Applicant;

ROBEIN, URANN, SPENCER, PICARD & CANGEMI, APLC,  
Christina L. Carroll;  
For Respondent.

**2016-C-1534** SUCCESSIONS OF JEANETTE RENA TONEY, WIFE OF/AND RONNIE  
ROBERT TONEY

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FIRST  
CIRCUIT, PARISH OF ST. TAMMANY

Argument Limited to  
Fifteen Minutes  
Each Side

Gary James Williams;  
SESSIONS, FISHMAN, NATHAN & ISRAEL, LLC,  
Jack Marks Alltmont,  
Max Nathan, Jr.,  
April Lee Watson;  
For Applicant;

ROY K. BURNS JR., LLC,  
Roy K. Burns, Jr.;  
For Respondent.

POSTED: JANUARY 27, 2017

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WEDNESDAY, MARCH 15, 2017

9:30 A.M. SESSION

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

**2016-C-1809** NEW ORLEANS BULLDOG SOCIETY VS. LOUISIANA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, ET AL.

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

ADAMS AND REESE, LLP,  
Martin A. Stern,  
Christopher James Kane,  
Jaimme' A. Collins,  
Timothy Michael Brinks;  
For Applicant;

BOOTH & BOOTH,  
Vincent James Booth,  
Ben Berman;  
For Respondent.

**2015-K-1845** STATE OF LOUISIANA VS. CHAKA STEWART

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

Michael A. Kennedy;  
Maurice C. Ruffin;  
For Applicant;

Argument Limited to  
Fifteen Minutes  
Each Side

ORLEANS PARISH DISTRICT ATTORNEY'S OFFICE,  
Hon. Leon A. Cannizzaro, Jr., District Attorney,  
Donald G. Cassels, III,  
John Taylor Gray,  
Donna R. Andrieu;  
Jerry Bryant Clark, Jr.;  
For Respondent.

CONSOLIDATED WITH NO. 2015-K-1846



# Supreme Court of Louisiana

WEDNESDAY, MARCH 15, 2017

9:30 A.M. SESSION

**2015-K-1846** STATE OF LOUISIANA VS. CHAKA STEWART

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

Michael A. Kennedy;  
Maurice C. Ruffin;  
For Applicant;

Argument Limited to  
Fifteen Minutes  
Each Side

ORLEANS PARISH DISTRICT ATTORNEY'S OFFICE,  
Hon. Leon A. Cannizzaro, Jr., District Attorney,  
Donald G. Cassels, III,  
John Taylor Gray,  
Donna R. Andrieu;  
Jerry Bryant Clark, Jr.;  
For Respondent.

**2016-C-1443** JOHN W. SMITH VS. HIGHLINES CONSTRUCTION CO., INC.,  
AND THE GRAY INSURANCE COMPANY

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, SECOND  
CIRCUIT, OFFICE OF WORKERS' COMPENSATION DISTRICT 1E

STREET & STREET,  
Curtis Daniel Street;  
For Applicant;

Argument Limited to  
Fifteen Minutes  
Each Side

HAYES, HARKEY, SMITH & CASCIO, LLP,  
John Bibb Saye;  
For Respondent.

POSTED: JANUARY 27, 2017; REVISED: FEBRUARY 3, 2017; REVISED:  
FEBRUARY 9, 2017; REVISED: FEBRUARY 13, 2017