COURT OF APPEAL, FOURTH CIRCUIT

STATE OF LOUISIANA

DOCKET NO. 2022-CA-0148

ROSE GEORGE AND MELVIN GEORGE
Plaintiffs-Appellants

Versus

SOUTHERN UNIVERSITY OF NEW ORLEANS, BOARD OF SUPERVISORS OF SOUTHER UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE, AND SOUTHERN UNIVERSITY SYSTEM
Defendants-Appellees

On Appeal from the Civil District Court, Parish of Orleans,
State of Louisiana
Docket No. 2017-04164, Division "A"
The Honorable Ellen M. Hazeur, Judge Presiding

ORIGINAL BRIEF ON BEHALF OF PLAINTIFF-APPELLANTS, ROSE GEORGE AND MELVIN GEORGE

CIVIL PROCEEDING

BROCATO LAW FIRM, PLC
Salvador M. Brocato III, La. Bar No.
3333 W. Napoleon Ave.
Metairie, LA 70001
[Add Phone, Fax, Email]

Counsel for Rose George and Melvin George

TABLE OF CONTENTS

TABLE OF AUTHORITIES..... iii

JURISDICTIONAL STATEMENT 1

STATEMENT OF THE CASE 1

ASSIGNMENTS OF ALLEGED ERRORS 2

ISSUES PRESENTED FOR REVIEW 2

STATEMENT OF FACTS 2

SUMMARY OF THE ARGUMENT 4

ARGUMENT 4

1. Standard of Review 4

2. Legal Standard on an Exception of No Cause of Action 4

3. The Amended Petition is Legally Sufficient, Stating a Valid Cause of Action for Premises Liability under *La. C.C. art. 2317 et seq.* 5

1. SUNO's Contention - that the "Open and Obvious" Doctrine Releases SUNO From Any Duty to the Georges – is Not Supported by the Facts or the Jurisprudence 7

RELIEF SOUGHT 10

VERIFICATION 11

CERTIFICATE OF COMPLIANCE WITH RULE 2-14.2 12

APPENDIX A – COPY OF TRIAL COURT'S JUDGMENT 13

TABLE OF AUTHORITIES

Cases **Pages**

BizCapital Bus. & Indus. Dev. Corp. v. Union Planters Corp., 2003-2208 (La. App. 4 Cir. 9/8/04), 884 So. 2d 623, *writ denied*, 2004-2473 (La. 1/14/05), 889 So. 2d 267, *and writ denied*, 2004-2505 (La. 1/14/05), 889 So. 2d 268……4

Broussard v. State ex rel. Off. of State Bldgs., 2012-1238 (La. 4/5/13), 113 So. 3d 175……..6, 8-9

City of New Orleans v. Board of Com'rs of Orleans Levee Dist., 93-0690, p. 28 (La.7/5/94), 640 So.2d 237, 253……5

C.T. Traina, Inc. v. Sunshine Plaza, Inc., 2003-1003 (La. 12/3/03), 861 So. 2d 156…….9

Entrevia v. Hood, 427 So.2d 1146, 1148–49 (La.1983)……6

Falcone v. Touro Infirmary, 2013-0015 (La. App. 4 Cir. 11/6/13), 129 So. 3d 641……9-10

Kizer v. Lilly, 471 So.2d 716 (La.1985)……5

Jackson v. State ex rel. Dept. of Corrections, 00-2882 (La.5/15/01), 785 So.2d 803……5

Miller v. New Amsterdam Cas. Co., 164 So. 2d 676, 678 (La. Ct. App.), *writ refused,* 246 La. 842, 167 So. 2d 668 (1964)……10

Pitre v. Opelousas Gen. Hosp., 530 So. 2d 1151, 1162 (La. 1988)…….5, 8

Pryor v. Iberia Par. Sch. Bd., 2010-1683 (La. 3/15/11), 60 So. 3d 594……..9

Ramey v. DeCaire, 2003-1299 (La. 3/19/04), 869 So. 2d 114 ……5

Statutes

La. C.C.P. art. 931……5

La. C.C. art. 2317……5-6

La. C.C. art. 2317.1……5-6

La. C.C. art. 2322…….6

JURISDICTIONAL STATEMENT

This is an appeal from a final judgment in a civil case, over which this Court has appellate jurisdiction pursuant to Article V, Section 10(A) of the Louisiana Constitution of 1974 and art. 2083 of the Code of Civil Procedure. On January 20, 2022, after a hearing in the Civil District Court of Orleans Parish, the Honorable Ellen M. Hazeur maintained Defendant-Appellee's Exception of No Cause of Action, dismissing all Plaintiff-Appellant's claims with prejudice.[1] Plaintiff-Appellant timely filed its Notice of Appeal on January 26, 2022, in accordance with La. C.C.P. art. 2087(A)(1).[2] The order granting the motion for appeal was signed by the district court on January 27, 2022.[3]

STATEMENT OF THE CASE

This appeal challenges the district court's dismissal of Plaintiff-Appellant's negligence suit on an exception of no cause of action despite the fact that: (1) the Plaintiff-Appellant's First Amended and Supplemental Petition stated a cause of action for premises liability against Defendant-Appellees based on Plaintiff Rose George's slip and fall after being subjected to unreasonably dangerous temperature inside the Multipurpose Building on Southern University New Orleans' campus, and (2) the Defendant-Appellee's argument - that the unreasonably dangerous temperature was an "open and obvious" condition, which released Defendant-Appellee from any duty to the Georges - is not supported by the facts nor by the jurisprudence.

Plaintiff-Appellants Rose George and Melvin George ("the Georges" or "Appellants") filed this suit for injuries sustained by Rose George during a funeral repast which Mr. and Mrs. George attended on the campus of Southern University

[1] Hon. Ellen M. Hazeur's Judgment, R. Doc. 119.
[2] Plaintiff-Appellant's Notice of Appeal, R. Doc. 121.
[3] Hon. Ellen M. Hazeur's Order, R. Doc. 122.

New Orleans in June 2016 ("the accident").[4] Defendant-Appellee, the State of Louisiana through the Board of Regents of Southern University, ("SUNO" or "Appellee") filed an Exception of No Cause of Action ("the Exception"). After a hearing on December 28, 2021, the trial court signed its Judgment maintaining SUNO's Exception of No Cause of Action, dismissing the Georges' claims with prejudice.[5] No written reasons were given for the trial court's judgment.

ASSIGNMENTS OF ALLEGED ERRORS

1. The trial court erred in maintaining the Defendant-Appellee's exception of no cause of action and dismissing the Plaintiff-Appellant's claims despite the Amended Petition's sufficiency in stating a cause of action for premises liability against Defendant-Appellee.

ISSUES PRESENTED FOR REVIEW

1. Whether or not the trial court erred in maintaining the Defendant-Appellee's exception of no cause of action and dismissing the Plaintiff-Appellant's claims despite the Amended Petition's sufficiency in stating a cause of action for negligence against Defendant.

STATEMENT OF FACTS

The Georges attended a funeral repast held in the Multipurpose Building of Southern University New Orleans' campus on June 25, 2016.[6] While attempting to leave the building, which was excessively hot due to a broken AC/HVAC system, Mrs. George was overcome by dizziness, fell, and broke her ankle.[7] The Georges have filed suit alleging that SUNO's negligence in holding the event despite the

[4] Plaintiff-Appellants' First Amended and Supplemental Petition for Damages, R. Doc.
[5] Hon. Ellen M. Hazeur's Judgment, at R. Doc. 119.
[6] Plaintiffs-Appellants' Amended Petition, at p. 2., R. Doc.
[7] *Id.* at p. 4.

unreasonably dangerous temperatures in the building caused Mrs. George's accident and resulting injuries to the Georges.[8]

On May 2, 2017, the Georges filed suit against Southern University New Orleans and ABC Insurance Company.[9] On January 24, 2018, Plaintiffs requested leave to amend their Petition, which was granted.[10] Plaintiffs' Supplemental and Amended Petition for Damages ("the Amended Petition") added as Defendants the Board of Supervisors of Southern University and Agricultural and Mechanical College; the State of Louisiana; and Southern University System.[11]

SUNO filed an Exception of Insufficiency of Service of Process on December 14, 2017.[12] A hearing on the Exception was held, and by judgment dated October 1, 2018, the trial court sustained the Exception, dismissing Plaintiffs' suit with prejudice.[13] SUNO also filed Exceptions of Lack of Procedural Capacity, Vagueness and Ambiguity, Nonconformity to La. C.C.P. art. 891 and No Cause of Action.[14] The trial court deemed the remaining exceptions moot in light of the granting of the Exception of Insufficiency of Service of Process.[15] The decision was appealed to the Louisiana Court of Appeal for the Fourth Circuit, who reversed and remanded.[16]

SUNO has re-urged their Exception of No Cause of Action via pleading filed October 27, 2021.[17] After a hearing on December 28, 2021, the trial court signed its Judgment maintaining SUNO's Exception of No Cause of Action, dismissing the Georges' claims with prejudice.[18] No written reasons were given for the trial court's judgment.

---

[8] *Id.*
[9] *See* Petition for Damages, R. Doc.
[10] *See* Plaintiffs' Amended Petition.
[11] *Id.* at p. 2., R. Doc.
[12] *See* Defendant-Appellee's Exception of Insufficiency of Service, Lack of Procedural Capacity, Vagueness and Ambiguity, Nonconformity to La. C.C.P. art. 891 and No Cause of Action.
[13] Hon. Ellen M. Hazeur's Judgment, R. Doc. 119.
[14] *See* Defendant-Appellee's Exception of Insufficiency of Service, Lack of Procedural Capacity, Vagueness and Ambiguity, Nonconformity to La. C.C.P. art. 891 and No Cause of Action.
[15] *See* Hon. Ellen M. Hazeur's October 1, 2018 Judgment, R. Doc.
[16] *George et al v. ABC Insurance Company et al*, No. 2019-CA-0124, Louisiana Court of Appeal for the Fourth Circuit, May 8, 2019 Order, R. Doc. 5.
[17] *See* SUNO's Exception of No Cause of Action and Incorporated Memorandum, R. Doc. 88-95.
[18] Hon. Ellen M. Hazeur's Judgment, R. Doc. 119.

SUMMARY OF THE ARGUMENT

In an exception of no cause of action, the burden of demonstrating that the petition states no cause of action is upon the mover.[19] In its Exception, SUNO did not dispute that it is the owner of a defective air conditioner nor that Mrs. George's injuries were caused by the unreasonably hot temperature in the building. SUNO's argument was that the Georges' Petition admitted that the hazardous condition complained of was "open and obvious," releasing SUNO of any duty to the Georges. SUNO is wrong, factually and legally. The Amended Petition states a cause of action for negligence and premises liability and it is up to the trier of fact to determine whether the hazardous condition was "open and obvious" to all. As a mixed question of law and fact, it is the fact-finder's role—either the jury or the court in a bench trial—to determine whether a defect is open and obvious. SUNO's argument is based on a distortion of the statements in the Amended Petition and a mischaracterization of the applicable law. SUNO has not met its burden of proof and its exception of no cause of action should not have been maintained by the trial court. The trial court's ruling should be reversed and remanded and Plaintiff-Appellants should be allowed to proceed with their claims.

ARGUMENT

1. Standard of Review

The reviewing court's standard of review of a grant or a denial of an exception of no cause of action is *de novo,* giving no deference to the trial court's legal conclusions and using the same tests applicable in the trial court.[20]

2. Legal Standard on an Exception of No Cause of Action

---

[19] *Id.*

[20] *BizCapital Bus. & Indus. Dev. Corp. v. Union Planters Corp.*, 2003-2208 (La. App. 4 Cir. 9/8/04), 884 So. 2d 623, *writ denied*, 2004-2473 (La. 1/14/05), 889 So. 2d 267, *and writ denied*, 2004-2505 (La. 1/14/05), 889 So. 2d 268.

The function of the peremptory exception of no cause of action is to test the legal sufficiency of the petition, which is done by determining whether the law affords a remedy on the facts alleged in the pleading.[21] Louisiana has chosen a system of fact pleading.[22] Therefore, it is not necessary for a plaintiff to plead the theory of his case in the petition.[23] No evidence may be introduced to support or controvert an exception of no cause of action.[24] Consequently, the court reviews the petition and accepts well-pleaded allegations of fact as true.[25] The issue at the trial of the exception is whether, on the face of the petition, the plaintiff is legally entitled to the relief sought.[26] The pertinent question is whether, in the light most favorable to plaintiff and with every doubt resolved in plaintiff's behalf, the petition states any valid cause of action for relief.[27] The burden of demonstrating that the petition states no cause of action is upon the mover.[28] When a petition states a cause of action as to any ground or portion of the demand, the exception of no cause of action must be overruled.[29]

3. The Amended Petition is Legally Sufficient, Stating a Valid Cause of Action for Premises Liability under *La. C.C. art. 2317 et seq.*

The Louisiana Civil Code provides, in pertinent part:

> We are responsible, not only for the damage occasioned by our own act, but for that which is caused by the act of persons for whom we are answerable, or of the things which we have in our custody. This, however, is to be understood with the following modifications.[30]
>
> The owner or custodian of a thing is answerable for damage occasioned by its ruin, vice, or defect, only upon a showing that he knew or, in the exercise of reasonable care, should have known of the ruin, vice, or defect which caused the damage, that the damage could have been prevented by the exercise of reasonable care, and that he failed to exercise such reasonable care. Nothing in this Article shall preclude the

---

[21] *Ramey v. DeCaire*, 2003-1299 (La. 3/19/04), 869 So. 2d 114, 118.
[22] Id.
[23] *Id., citing Kizer v. Lilly*, 471 So.2d 716, 719 (La.1985).
[24] La. C.C.P. art. 931.
[25] *Jackson v. State ex rel. Dept. of Corrections*, 00-2882, p. 3 (La.5/15/01), 785 So.2d 803, 806.
[26] *Ramey*, at 119.
[27] *City of New Orleans v. Board of Com'rs of Orleans Levee Dist.,* 93-0690, p. 28 (La.7/5/94), 640 So.2d 237, 253.
[28] *Id.*
[29] *Pitre v. Opelousas Gen. Hosp.,* 530 So. 2d 1151, 1162 (La. 1988).
[30] La. C.C. art. 2317.

> court from the application of the doctrine of res ipsa loquitur in an appropriate case.[31]
>
> The owner of a building is answerable for the damage occasioned by its ruin, when this is caused by neglect to repair it, or when it is the result of a vice or defect in its original construction. However, he is answerable for damages only upon a showing that he knew or, in the exercise of reasonable care, should have known of the vice or defect which caused the damage, that the damage could have been prevented by the exercise of reasonable care, and that he failed to exercise such reasonable care. Nothing in this Article shall preclude the court from the application of the doctrine of res ipsa loquitur in an appropriate case.[32]

La. Civ. Code art. 2322 specifically modifies liability under Article 2317 with respect to the owner of a ruinous building or a defective component part of that building, such as an air conditioning unit. Under Article 2322, a plaintiff must prove the following elements to hold the owner of a building liable for the damages caused by the building's ruin or a defective component: (1) ownership of the building; (2) the owner knew or, in the exercise of reasonable care, should have known of the ruin or defect; (3) the damage could have been prevented by the exercise of reasonable care; (4) the defendant failed to exercise such reasonable care; and (5) causation.[33] Additionally, our jurisprudence requires that the ruinous building or its defective component part create an unreasonable risk of harm.[34]

Accepting the allegations in the Amended Petition as true and applying the legal principles set forth above, it must be found that the Amended Petition alleges facts sufficient to state a cause of action pursuant to La. Civ. Code article 2317 *et seq.* against SUNO. The Petition identifies SUNO as owners of the building where the accident took place,[35] describes how SUNO representatives assured the Georges that they were safe to enter the building and that an issue with the air conditioner

---

[31] La. C.C. art. 2317.1.
[32] La. C.C. art. 2322.
[33] *Broussard v. State ex rel. Off. of State Bldgs*., 2012-1238 (La. 4/5/13), 113 So. 3d 175, 182–83; La. Civ. Code art. 2322.
[34] *Id.* citing *Entrevia v. Hood,* 427 So.2d 1146, 1148–49 (La.1983).
[35] Amended Petition at p. 3, par. 5., R. Doc.

was being remedied,[36] and lists how SUNO's failure to exercise reasonable care caused Mrs. George's accident and injuries.[37] The Amended Petition is legally sufficient for purposes of surviving an exception of no cause of action.

1. SUNO's Contention - that the "Open and Obvious" Doctrine Releases SUNO From Any Duty to the Georges – is Not Supported by the Facts or the Jurisprudence

In support of its Exception, SUNO did not dispute that it is the owner of a defective air conditioner nor that Mrs. George's injuries were caused by the unreasonably hot temperature in the building. SUNO's Exception is based on the argument that "[t]he applicability of the open and obvious doctrine absolved SUNO of any legal duty to protect Plaintiffs and since there can be no negligence cause of action in the absence of a legal duty owed to a plaintiff, Plaintiffs have not stated a cause of action in negligence because one does not exist."[38]

SUNO asserted that the Georges' Petition admitted that the Georges were aware of the unreasonably dangerous temperatures in the building and decided to enter the building anyway.[39] Because the dangerous condition was "open and obvious," SUNO argued, SUNO had no duty to protect the Georges against the hazard.[40] Notably, the Amended Petition does not state that the Georges were aware of the "unreasonably dangerous temperature" in the building, simply that the dangerous condition existed and that the Georges, when entering the building, were assured by SUNO staff that problems with the air conditioning would be remedied and they were safe to enter the premises.[41]

---

[36] *Id*., at p.2, par. 4., R. Doc.
[37] *Id.*, at pp. 3-4, par. 7-8, R. Doc.
[38] SUNO's Reply Memorandum, R. Doc. 103.
[39] SUNO's Memorandum in Support, R. Doc. 91.
[40] SUNO's Memorandum in Support, R. Doc. 91.
[41] Amended Petition, R. Doc.

The Louisiana Supreme Court, in *Broussard v. State ex rel Office of State Buildings*, stated the rule regarding the application of the "open and obvious" doctrine:

> The owner of a building is not responsible for all injuries resulting from any risk posed by the building. Rather, the owner is only responsible for those injuries caused by a ruinous condition or defective component part that presents an unreasonable risk of harm to others. **We have described the question of whether a defect presents an unreasonable risk of harm as 'a disputed issue of mixed fact and law or policy that is peculiarly a question for the jury or trier of the facts.'**[42]
>
> To aid the trier-of-fact in making this unscientific, factual determination, this Court has adopted a risk-utility balancing test, wherein the fact-finder must balance the gravity and risk of harm against individual societal rights and obligations, the social utility of the thing, and the cost and feasibility of repair. Specifically, we have synthesized this risk-utility balancing test to a consideration of four pertinent factors: (1) the utility of the complained-of condition; (2) the likelihood and magnitude of harm, including the obviousness and apparentness of the condition; (3) the cost of preventing the harm; and (4) the nature of the plaintiff's activities in terms of its social utility or whether it is dangerous by nature.[43]
>
> **The second prong of this risk-utility inquiry focuses on whether the dangerous or defective condition is obvious and apparent**. Under Louisiana law, a defendant generally does not have a duty to protect against an open and obvious hazard.[44]
>
> In order for a hazard to be considered open and obvious, the hazard should be one that is open and obvious to all, *i.e*., everyone who may potentially encounter it. *E.g., Caserta v. Wal–Mart Stores, Inc*., 12–0853, p. 1 (La.6/22/12), 90 So.3d 1042, 1043 (per curiam); *Dauzat*, 08–0528 at p. 3, 995 So.2d at 1186; *Hutchinson*, 03–1533 at p. 9, 866 So.2d at 234; *Pitre*, 95–1466 at p. 11, 673 So.2d at 591; *Murray v. Ramada Inns, Inc*., 521 So.2d 1123, 1136 (La.1988) ("[A] potentially dangerous condition that should be obvious to all comers is not, in all instances, unreasonably dangerous.").[45]

As a mixed question of law and fact, it is the fact-finder's role—either the jury or the court in a bench trial—to determine whether a defect is open and obvious. The correct inquiry is to determine whether the hazard was open and obvious to all.

---

[42] *Broussard v. State ex rel. Off. of State Bldgs.,* 2012-1238 (La. 4/5/13), 113 So. 3d 175, 183 (emphasis added).
[43] *Id*. at 184.
[44] *Id*.
[45] *Broussard v. State ex rel. Off. of State Bldgs.,* 2012-1238 (La. 4/5/13), 113 So. 3d 175, 184 -188.

Accordingly, even if the Georges' Petition did admit their knowledge of unreasonably dangerous temperatures in the building, which it did not, the statement would not qualify as a judicial confession that the "open and obvious" doctrine applies. That is a question for the trier of fact. SUNO has misstated the allegations of the Petition and the applicable legal rules in making its argument.

Further, none of the cases cited by SUNO support its argument that the "open and obvious" doctrine justifies the granting of an exception of no cause of action. In *Broussard v. State*, the case went to trial before being appealed to the Louisiana Supreme Court, who affirmed the trial court's judgment that defective elevators were not "open and obvious" and did constitute an unreasonable risk of harm.[46] In *Pryor v. Iberia Parish School Bd.,* the trial court found, after a bench trial, that bleachers the plaintiff had fallen on were not unreasonably dangerous, despite an eighteen-inch gap that was open and obvious to all.[47] After discussing all the evidence that had been submitted, including the testimony of a licensed architect, estimated costs of updating the bleachers, and the fact that no other accidents had occurred, the Supreme Court affirmed the trial court's ruling.[48] In *C.T. Traina, Inc. v. Sunshine Plaza, Inc.*, the judicial confession at issue was determined by the trial court to be proof of an oral contract between the parties; the Supreme Court affirmed the trial court's judgment, which came after a trial on the merits.[49] In the present case, the trial court made its determination based on the Amended Petition alone; the Plaintiffs had no opportunity to present their evidence.

In SUNO's Reply Memorandum, it cited *Falcone v. Touro Infirmary*, as a "related scenario" which was before the Fourth Circuit Court of Appeals.[50] *Falcone* was a suit filed by relatives of a patient who died when Touro Infirmary hospital lost

---

[46] *Broussard*, at 193.
[47] *Pryor v. Iberia Par. Sch. Bd.,* 2010-1683 (La. 3/15/11), 60 So. 3d 594, 596-98.
[48] *Id.* at 598.
[49] *C.T. Traina, Inc. v. Sunshine Plaza, Inc.,* 2003-1003 (La. 12/3/03), 861 So. 2d 156, 159–60.
[50] SUNO's Reply Memorandum, R. Doc. 106.

power during Hurricane Katrina.[51] After a jury trial, where the hospital was found not negligent, the Fourth Circuit Court of Appeals affirmed the ruling.[52] The evidence in that case included testimony by many witnesses, including conflicting testimony from the patient's physicians.[53] SUNO specifically cites a section of the Appeals Court's ruling which mentions the "conflicting testimony" the trial court weighed in coming to its conclusion.[54] In the present case, the trial court weighed no testimony at all in coming to its conclusion.

Another case cited in SUNO's Reply Memorandum, *Miller v. New Amsterdam Casualty Company*, also went to trial before the plaintiff's claims were rejected by the trial court and affirmed by the Third Circuit Court of Appeals.[55] That decision, based on the "bygone standard" of contributory negligence, as SUNO noted in their brief, is not applicable to the present issue, which is the legal sufficiency of the Amended Petition.

In conclusion, SUNO's exception was based on a distortion of the statements in the Amended Petition and a mischaracterization of the applicable law. SUNO has not met its burden of proof and its exception of no cause of action should not have been maintained by the trial court. The trial court's ruling should be reversed and remanded, and Plaintiff-Appellants should be allowed to proceed with their claims.

RELIEF SOUGHT

Plaintiff-Appellants respectfully prays this Court reverse the trial court's ruling and remand this case back to the trial court for further proceedings.

---

[51] *Falcone v. Touro Infirmary*, 2013-0015 (La. App. 4 Cir. 11/6/13), 129 So. 3d 641, 643.
[52] *Id.* at 653.
[53] *Id.* at 650-652.
[54] SUNO's Reply Memorandum, R. Doc. 107.
[55] *Miller v. New Amsterdam Cas. Co*., 164 So. 2d 676, 678 (La. Ct. App.), *writ refused,* 246 La. 842, 167 So. 2d 668 (1964).

VERIFICATION

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

SALVADOR M. BROCATO

Who declared that he is an attorney of record for Plaintiffs-Appellants Rose George and Melvin George, in Case No. 2017-04164, Division "A" in Civil District Court for the Parish of Orleans; that he has read the above and foregoing Appellant's Brief and that all the allegations contained therein are true and correct to the best of his knowledge information and belief; that copies of this Appellant's Brief were duly served on the Honorable Ellen M. Hazeur, Judge, Civil District Court for the Parish of Orleans, State of Louisiana, and on counsel of record per the attached list on March 31, 2022, by either hand delivery, facsimile, electronic transmission or by placing of same addressed to each of them in the U.S. Mail, first class postage prepaid.

_____
SALVADOR. M. BROCATO, ESQ.

SWORN TO AND SUBSCRIBED
BEFORE ME THIS th DAY OF

_____
NOTARY PUBLIC

CERTIFICATE OF COMPLIANCE WITH RULE 2-14.2

I, Salvador M. Brocato, hereby certify that I have served a copy of this Original Appellant's Brief on the following, through email in a .pdf format, Regular U.S. Mail, postage prepaid, or by hand delivery on March 31, 2022.

The Honorable Ellen M. Hazeur
Civil District Court, Section A
421 Loyola Avenue, Room 304
New Orleans, LA 70112
Via facsimile only: (504) 558 - 9342

State of Louisiana through the Board of Supervisors of Southern University and Agricultural & Mechanical College, on behalf of Southern University of New Orleans
through its counsels of record,
Reuben M. Thomas, thomasr@ag.louisiana.gov
Wm. David Coffey, coffeyd@ag.louisisana.gov

_____
SALVADO M. BROCATO

APPENDIX A – COPY OF TRIAL COURT'S JUDGMENT