

EXEMPT

22ND JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. TAMMANY

STATE OF LOUISIANA

NO. 2015-10649

DIVISION "H"

TERRI LEWIS STEVENS and JENNIFER FRUCHTNIKT,
wife of/and CRAIG RIVERA

vs.

ST. TAMMANY PARISH GOVERNMENT

FILED:

April 2, 2018

Pearl Garrett

DEPUTY CLERK
Pearl Garrett, Deputy Clerk

JUDGMENT

On 23 March 2018, the following Motions came on for hearing before the Court:

- (1) Motion to Vacate, or in the Alternative, for Reconsideration or New Trial on 19 October 2017 Order filed by the Defendant, St. Tammany Parish Government;
- (2) Objections to the Special Master's Report filed by the Defendant, St. Tammany Parish Government; and,
- (3) Motion to Vacate Amended Judgment and to Reinstate Original Judgment on Defendants' Peremptory Exception of *Res Judicata* filed by the Defendant, St. Tammany Parish Government.

The following counsel of record were present at the hearing:

James L. Bradford, III, and
D. Stephen Brouillette, Jr.

Counsel for Defendants,
St. Tammany Parish Government, Kelly
Rabalais, Joseph Alphonse, and Deborah
Henton.

Louis R. Koerner, Jr.

Counsel for Plaintiffs,
Terri Lewis Stevens, Craig Rivera,
and Jennifer Fruchtnicht Rivera.

ST TAMMANY PARISH
2018 APR - 23
12:52
FILED

CONSIDERING the foregoing Motions, supporting and opposing memoranda filed by the parties and exhibits attached thereto, oral argument of counsel, and for the reasons this day orally assigned,

IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant's Motion to Vacate or, in the Alternative, for Reconsideration or New Trial on 19 October 2017 Order is GRANTED. The Court's 19 October 2017 Order adopting the Report of the Special Master is hereby VACATED as improvidently entered.

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IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants' Objections to the Special Master's Report are submitted and taken under advisement. The Special Master is directed to review the Defendant's Objections to determine whether he wishes to make any revisions to his 17 October 2017 Report. The costs of the Special Master's review of the Defendant's Objections are assessed against St. Tammany Parish Government.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the Defendants' Motion to Vacate Amended Judgment and to Reinstate Original Judgment on Defendants' Peremptory Exception of *Res Judicata* is **GRANTED**. Accordingly, the Court's 16 October 2017 Amended Judgment, entered *sua sponte*, is hereby **VACATED**, ~~as an absolute nullity and the Court's 6 September 2017 Judgment granting the Defendants' Exception and dismissing Defendants Kelly Rabalais, Joseph Alphonse, and Deborah Henton from this proceeding with prejudice remains the final judgment of this Court.~~ (A)

THUS DONE AND SIGNED in Covington, Louisiana, this 11 day of ~~March~~^{April}, 2018.


HON. ALAN A. ZAUNBRECHER
JUDGE, 22ND JUDICIAL DISTRICT COURT
FOR THE PARISH OF ST. TAMMANY


RULE 9.5 CERTIFICATE

I certify this proposed judgment was circulated to counsel for all parties by electronic mail on the 23rd day of March 2018, and that:

 No opposition was received; or

XX The following opposition was received: Plaintiffs object to the final paragraph including the phrase "as an absolute nullity and the Court's 6 September 2017 Judgment granting the Defendants' Exception and dismissing Defendants Kelly Rabalais, Joseph Alphonse, and Deborah Henton from this proceeding with prejudice remains the final judgment of this Court" and would conclude the paragraph after the word "VACATED."

Certified this 25th day of March 2018.


JAMES L. BRADFORD, III
KIRK N. AURANDT
D. STEPHEN BROUILLETTE, JR.