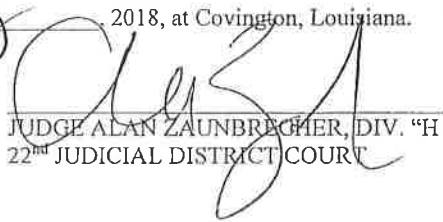


affidavit of Jean Thibodeaux, the civil engineer who designed the 2015 Project, which established that the design and actual construction maintained the status quo with regard to both the drainage area and the volume of water flowing across Plaintiffs' properties. Specifically, Thibodeaux testified that he paid special attention to not change the existing drainage patterns. The same area was drained from the same location to the same location both before and after the 2015 Project. While the affidavit of Plaintiffs' expert, Cavell, asserts that the volume of flow through the culverts has increased since the original culvert construction in 1957, the affidavit fails to create a genuine issue that the 2015 Project altered the flow in any manner. Plaintiffs have introduced no other competent summary judgment evidence tending to establish the creation of a disturbance arising from the 2015 Project. As such, Plaintiffs cannot establish an essential element of their possessory action.

C. Conclusion

For the reasons more fully set forth above, the Parish's Exception of Prescription is **GRANTED IN PART AND DENIED IN PART**. The Parish's Exception of Prescription is **GRANTED** with regard to any and all of Plaintiffs' claims arising out of public works projects performed in 1993, 2001, and 2011-2012. The Parish's Exception of Prescription is **DENIED** with regard to Plaintiff's other claims. Any and all of Plaintiffs' claims arising out of public works projects performed in 1993, 2001, and 2011-2012 are prescribed and **DISMISSED WITH PREJUDICE**. Plaintiffs' possessory action arising out of public works projects performed in 1993, 2001, and 2011-2012 is prescribed and **DISMISSED WITH PREJUDICE**. For the reasons more fully set forth above, the Parish's Motion for Summary Judgment is **GRANTED** with regard to all claims not dismissed by the granting of the Parish's Exception of Prescription. **Any and all of Plaintiffs' claims against the Parish in the above-captioned matter are DISMISSED WITH PREJUDICE.**

Signed this 17 day of Aug, 2018, at Covington, Louisiana.


 JUDGE ALAN ZAUNBREGHIER, DIV. "H"
 22nd JUDICIAL DISTRICT COURT

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: October 3, 2018

Meghan McCarthy
DEPUTY CLERK
Meghan McCarthy, Deputy Clerk

JUDGMENT

On 18 September 2018, the Motion to Tax Costs filed by the Defendant, St. Tammany Parish Government, came on for hearing. The following counsel of record were present at the hearing:

D. Stephen Brouillette, Jr.

Counsel for Defendant,
St. Tammany Parish Government

Louis R. Koerner, Jr.

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

ST. TAMMANY PARISH
STATE OF LOUISIANA
FILED FOR RECORD
2018 OCT - 3 A 11: 12
MICHELE S. HENRY
CLERK OF COURT

CONSIDERING the foregoing Motion, 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 Tax Costs is GRANTED IN PART and DENIED IN PART.

ACCORDINGLY, IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the following costs are assessed against the Plaintiffs, Terri Lewis Stevens, Jennifer Fruchtnicht Rivera, and Craig Rivera:

Clerk of Court Costs	\$17,018.72
Deposition/Transcript Costs	\$7,677.25
Expert Witness Fees	\$22,016.66
TOTAL	\$46,712.63

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Judgment awarding costs is allocated as follows: 50% against Plaintiff Terri Lewis Stevens as the owner of

605