

The Supreme Court of the State of Louisiana

J. SCHUYLER MARVIN, 26th JUDICIAL
DISTRICT ATTORNEY

No. 2022-C-00969

VS.

ROBERT BERRY, AND CYPRESS BLACK
BAYOU RECREATION AND WATER
CONSERVATION DISTRICT

IN RE: State of Louisiana, By and Through Attorney General Jeff Landry, In His
Official Capacity - Applicant Plaintiff; Applying For Writ Of Certiorari, Parish of
Bossier, 26th Judicial District Court Number(s) 162928, Court of Appeal, Second
Circuit, Number(s) 54,230-CA;

November 01, 2022

Writ application granted. See per curiam.

WJC
JLW
JDH
JTG
JBM
PDG

Crichton, J., dissents.

Supreme Court of Louisiana
November 01, 2022



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2022-C-00969

J. SCHUYLER MARVIN, 26th JUDICIAL DISTRICT ATTORNEY

VS.

**ROBERT BERRY, and CYPRESS BLACK BAYOU RECREATION And
WATER CONSERVATION DISTRICT**

On Writ of Certiorari to the Court of Appeal, Second Circuit, Parish of Bossier

PER CURIAM

Writ granted. The court of appeal erred in pretermittting consideration of the applicant’s assignments of error related to the summary judgment. “A person who could have intervened in the trial court may appeal, whether or not any other appeal has been taken.” La. Code Civ. Pro. art. 2086. “A third person having an interest therein may intervene in a pending action to enforce a right related to or connected with the object of the pending action against one or more of the parties thereto by . . . [j]oining with plaintiff in demanding the same or similar relief against the defendant.” La. Code Civ. Pro. art. 1091(1). The attorney general is specifically authorized to enforce Louisiana’s Dual Officeholding Law, the object of the present suit. See La. R.S. 42:65A(1)(a). The attorney general’s interest is sufficient to intervene in this lawsuit because this lawsuit could affect the attorney general’s lawsuit. For this reason, applicant “could have intervened” in this action and, therefore, has the right to appeal the summary judgment granted in favor of defendants. See La. Code Civ. Pro. art. 2086; *Landry v. Duplechain*, 19-01909 (La. 4/27/20), 295 So. 3d 938 (*per curiam*); *ANR Pipeline Co. v. Louisiana Tax Commission*, 08-1148 (La. App. 1 Cir. 10/17/08), 997 So. 2d 92, 101, writ denied, 09-0027 (La. 3/6/09), 3 So.3d 484. This matter is remanded to the court of appeal for consideration of applicant’s assignments of error related to the summary judgment.