

The Supreme Court of the State of Louisiana

TROY LILLIE, ET AL.

No. 2022-CA-00328

VS.

STANFORD TRUST COMPANY, STATE OF
LOUISIANA, OFFICE OF FINANCIAL
INSTITUTIONS AND SEI INVESTMENTS
COMPANY

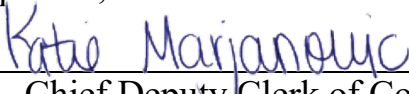
IN RE: State of Louisiana through the Office of Financial Institutions - Appellant
Defendant; Louisiana Office of Financial Institutions - Appellant Defendant;
Constitutional Question, Parish of East Baton Rouge, 19th Judicial District Court
Number(s) C581670;

April 12, 2022

Motion to dismiss granted. Appeal transferred to the court of appeal. See per
curiam.

JLW
JDH
SJC
JTG
WJC
JBM
PDG

Supreme Court of Louisiana
April 12, 2022



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2022-CA-00328

TROY LILLIE, ET AL.

VS.

**STANFORD TRUST COMPANY, STATE OF LOUISIANA, OFFICE OF
FINANCIAL INSTITUTIONS AND SEI INVESTMENTS COMPANY**

On Appeal from the 19th Judicial District Court, Parish of East Baton Rouge

PER CURIAM

Appellant, the State of Louisiana, through the Louisiana Office of Financial Institutions, invokes the appellate jurisdiction of this court pursuant to La. Const. art. V, § 5(D), on the ground that the district court declared La. R.S. 51:720 to be unconstitutional. After the record was lodged, plaintiffs-appellees filed a motion to dismiss the appeal based on lack of jurisdiction. Appellant filed an opposition to the motion to dismiss.

Pretermitted the merits, we find the appeal is not properly before this court. Article V, § 5(D) vests appellate jurisdiction in this court in cases in which “a law or ordinance has been declared unconstitutional...” A review of the district court’s judgment indicates the court merely denied appellant’s motion for partial summary judgment. Nothing in the judgment declares a law or ordinance unconstitutional.

Although the district court’s reasons for judgment discuss the constitutionality of La. R.S. 51:720, it is well-settled law that a trial court’s oral or written reasons form no part of the judgment. *See* La. Code Civ. P. art. 1918; *Barber v. Louisiana Workforce Comm’n*, 17-0750 (La. 6/5/17), 221 So.3d 38; *Perez v. Evenstar, Inc.*, 12-0100 (La. 6/22/12), 91 So.3d 288; *Fla. Gas Transmission Co. v. Louisiana Tax Comm’n*, 09-0729 (La. 5/15/09), 10 So.3d 1219; *Meaux v.*

Galtier, 07-2474 (La. 1/25/08), 972 So.2d 1137; *Burmester v. Plaquemines Par. Gov't*, 07-1311 (La. 8/31/07), 963 So.2d 378; *Carmena v. East Baton Rouge Parish Sheriff's Office*, 06-0260 (La. 2/2/07), 947 So.2d 715.¹

Because there is no declaration of unconstitutionality in the district court's judgment, there is no basis for the exercise of this court's appellate jurisdiction. Although we have plenary supervisory jurisdiction, we decline to exercise that authority to review the proceedings in their current posture. Instead, in the interest of justice, we will transfer the matter to the Court of Appeal, First Circuit, with instructions to convert the appeal to an application for supervisory writs.

DECREE

For the reasons assigned, the motion to dismiss is granted, and the appeal is dismissed based on lack of appellate jurisdiction. The matter is transferred to the Court of Appeal, First Circuit, for further proceedings consistent with this opinion.

¹ Appellant urges us to consider *St. Charles Gaming Co., Inc. v. River Boat Gaming Commission*, 94-2697 (La. 11/10/94), 645 So.2d 208, in which we noted "probable appellate jurisdiction" over a judgment granting a preliminary injunction, where the declaration of unconstitutionality was in the court's written reasons but not in the judgment. In doing so, we observed the "declaration appears to be the basis for the trial court's preliminary injunction judgment and therefore cannot be considered as dictum lacking the force of an adjudication." *Id.* at 209. This holding arose under unique facts and is distinguishable. Unlike *St. Charles Gaming*, where the court granted relief to the plaintiff by enjoining the parish from enforcing its zoning ordinances, the judgment in the instant case merely denied appellant's motion for summary judgment. Therefore, any reference to constitutionality of the statute in the court's reasons for judgment lacked the force of adjudication.