

The Supreme Court of the State of Louisiana

LOREN BALTHAZOR

No. 2025-C-00098

VS.

STATE OF LOUISIANA THROUGH THE LA
DEPARTMENT OF PUBLIC SAFETY AND
LOUISIANA OFFICE OF MOTOR
VEHICLES AND STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY

IN RE: Loren Balthazor - Applicant Plaintiff; Applying For Writ Of Certiorari,
Parish of East Baton Rouge, 19th Judicial District Court Number(s) 722,226, Court
of Appeal, First Circuit, Number(s) 2024 CA 0156;

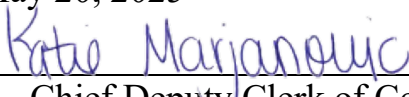
May 20, 2025

Writ application granted. See per curiam.

JMG
JLW
JDH
JBM
PDG
CRC

Crain, J., dissents.

Supreme Court of Louisiana
May 20, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-C-00098

LOREN BALTHAZOR

VS.

**STATE OF LOUISIANA THROUGH THE LA DEPARTMENT OF PUBLIC
SAFETY AND LOUISIANA OFFICE OF MOTOR VEHICLES AND
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY**

**On Writ of Certiorari to the Court of Appeal, First Circuit,
Parish of East Baton Rouge**

PER CURIAM

Plaintiff purchased a vehicle at a public auction. He was assigned ownership and title, and “Certificate of Destruction” was stamped on the title. Shortly thereafter, Plaintiff attempted to register and obtain title to the vehicle, and the Office of Motor Vehicles (OMV) refused to register and title the vehicle due to the existing Certificate of Destruction. La. R.S. 32:707(C)(2).

Over 18 months later, Plaintiff filed a petition asserting that OMV issued the Certificate of Destruction improperly and without sufficient factual support. He requested that the trial court “declare and render Judgment voiding and cancelling the Certificate of Destruction along with all damages, both general and special, from [State] for improperly issuing the Certificate of Destruction.” He further requested that the trial court “render Judgment ordering the [State] to void and cancel the Certificate of Destruction and to issue and furnish Petitioner clear title and ownership without limitation for the [relevant vehicle].”

The OMV filed a peremptory exception raising the objections of prescription and no cause of action and a dilatory exception of vagueness. The trial court denied the exceptions of no cause of action and vagueness but sustained the exception of prescription and dismissed Plaintiff’s claims with prejudice. The court of appeal

affirmed, holding that “because all of plaintiff’s claims arise from OMV’s allegedly wrongful issuance of the certificate of destruction, this action is delictual in nature. As such, the one-year prescriptive period provided by former Article 3492 is applicable.” *Balthazor v. Louisiana*, 2024-0156 (La. App. 1 Cir. 12/6/24), *reh’g denied* (Dec. 27, 2024).¹

Prescription statutes are strictly construed against prescription and in favor of the claim sought to be extinguished by it. *Wells v. Zadeck*, 2011-1232, p.7 (La. 3/30/12), 89 So. 3d 1145, 1149. While a request for monetary damages related to OMV’s conduct would have prescribed, the fundamental prayer for relief here has not. Unless otherwise provided by legislation, a personal action is subject to a liberative prescription of ten years. La. C.C. art 3499. The court of appeal in this case found that the nature of plaintiff’s action was for mandatory injunctive relief, rather than declaratory relief. We disagree. Plaintiff’s petition alleges that the condition of the vehicle never warranted the issuance of a Certificate of Destruction in the first place. As such, he seeks a declaration that the Certificate of Destruction is a nullity and that his property is merchantable. The fact that Plaintiff also requested, as a consequence of that nullification, that the court order the state to furnish him with the registration and title after a nullification declaration does not change the nature of the action to delictual.

We reverse the court of appeal and likewise reverse the trial court order sustaining the exception of prescription. We decline to rule on the remaining issues and remand for further proceedings.

REVERSED AND REMANDED

¹ La. C.C. art. 3492 was repealed by La. Acts 2024, No. 423, § 2. Section 3 of Act 423 provided it was to be given prospective application only to actions arising after its effective date, which was July 1, 2024.