

The Supreme Court of the State of Louisiana

BARBARA SORENSON, ET AL.

No. 2025-CC-01506

VS.

AVENUE PLAZA OWNERS
ASSOCIATION, INC., ET AL.

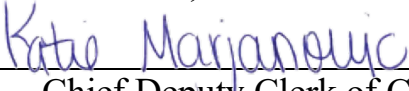
IN RE: Nathan Sorenson - Applicant Plaintiff; Barbara Sorenson, individually and on behalf of her late husband David Sorenson - Applicant Plaintiff; Joel Sorenson - Applicant Plaintiff; Austin Sorenson - Applicant Plaintiff; Shannon Quinn - Applicant Plaintiff; Barbara Sorenson, et al. - Applicant Plaintiff; Applying For Writ Of Certiorari, Parish of Orleans Civil, Civil District Court Number(s) 2023-01288, Court of Appeal, Fourth Circuit, Number(s) 2025-C-0779;

December 08, 2025

Writ application granted. See per curiam.

WJC
JLW
JBM
PDG
JMG
CRC

Supreme Court of Louisiana
December 08, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-CC-01506

BARBARA SORENSON, ET AL.

VS.

AVENUE PLAZA OWNERS ASSOCIATION, INC., ET AL.

On Writ of Certiorari to the Court of Appeal, Fourth Circuit, Parish of Orleans
Civil

PER CURIAM

We are called upon to decide a matter of first impression in this court – namely, whether a discovery ruling impacting a non-party to the litigation may be suspensively appealed. For the reasons that follow, we conclude an appeal is not allowed under the facts presented, and we therefore reinstate the judgment of the district court denying the motion for appeal.

FACTS AND PROCEDURAL HISTORY

Plaintiffs filed suit against numerous defendants, including Universal Protection Service, LLC, Universal Protection Security Systems, LP, and Allied Universal Manager, LLC (collectively referred to hereinafter as “Allied”). During the course of discovery, plaintiffs noticed the deposition of Steve Jones, the chief executive officer of Allied. Allied and Mr. Jones responded by filing a “Motion to Quash Deposition of Steve Jones or, in the Alternative, for Protective Order.” The district court denied the motion in open court on October 28, 2025 and signed a written judgment on November 20, 2025.

On October 30, 2025, Mr. Jones filed a motion for suspensive appeal. The district court denied the motion for appeal on November 13, 2025.

Mr. Jones applied for supervisory review of the denial of his motion for appeal. The court of appeal granted writs and reversed. In its unpublished

disposition, the court explained “[t]he determination of discovery questions as to one who is not a party to the case is a final appealable judgment.”

Plaintiffs now seek review in this court.

DISCUSSION

It is well settled that judgments addressing discovery issues are generally considered interlocutory matters and are therefore not subject to appeal. *See, e.g., Fisher-Rabin Med. Center v. Burdick Corp.*, 525 So. 2d 1178, 1180 (La. App. 5th Cir. 1988), *writ denied*, 531 So. 2d 475 (La. 1988).

Nonetheless, a line of jurisprudence has developed in the appellate courts permitting a non-party to appeal interlocutory judgments. One of the earliest opinions to address the issue was *Berard v. American Employers Ins. Co.*, 246 So. 2d 686, 687 (La. App. 1st Cir. 1970), in which the court permitted the attorney for a party to appeal a judgment ordering him to pay penalties. The court reasoned that the judgment of sanctions against the attorney was a final judgment under La. Code Civ. P. art. 1841, as the “decree determines in whole the merits of the single issue between the parties to the controversy concerned.” *Id.* The court further observed that the merits of the penalty issue and the main demand were separate and distinct in nature, noting “[w]e fail to see how trial of the controversy between plaintiff and defendants can be impeded in the lower court by sustaining this appeal.”

The reasoning of *Berard* was followed by several other courts addressing appeals involving sanctions against counsel. *See, e.g., Albritton v. Fid. Nat. Bank Trust for Albritton Through Hibernia Nat. Bank*, 619 So. 2d 1170 (La. App. 1st 1993). Notably, however, this line of jurisprudence was superseded by the adoption of La. Code Civ. P. art. 1915(A)(6) in 1999, which expressly allowed an appeal of a partial judgment which imposes certain sanctions or disciplinary action.

Berard’s holding was given a broader application in *Larriviere v. Howard*, 2000-186 (La. App. 3 Cir. 10/11/00), 771 So. 2d 747, *writ granted in part and*

remanded, 2000-3087 (La. 1/26/01), 781 So. 2d 567, in which the court held a motion to quash a subpoena duces tecum brought by a non-party to the action was appealable.¹ Subsequent appellate decisions have cited *Larriviere* as authority for the broad proposition that “[t]he determination of discovery questions as to a non-party in the case is a final appealable judgment.” *McCloskey v. Higman Barge Lines, Inc.*, 2018-1008 (La. App. 4 Cir. 4/10/19), 269 So. 3d 1173, 1178.

As shown by this brief review of the appellate jurisprudence, the narrow holding of *Berard* has expanded considerably over the half century since that decision was rendered. During this time, the legislature has adopted specific provisions governing the appealability of partial judgments, beginning with the landmark 1997 and 1999 amendments to La. Code Civ. P. art. 1915. Moreover, in 2005, the legislature eliminated the provisions allowing for appeals of interlocutory judgments which may create irreparable harm. As currently enacted, La. Code Civ. P. art. 2083(C) provides “[a]n interlocutory judgment is appealable only when expressly provided by law.” Official comment (c) to the 2005 revision explains the reason for the change, noting “the procedures inherent in an interlocutory appeal often created unnecessary delay in the progress of a lawsuit at the trial court level.”

A review of the current statutory law convinces us that the legislature has not authorized appeals of discovery rulings which are plainly interlocutory in character. To construe a discovery ruling denying a motion to quash as final for purposes of an appeal would be a legal fiction that would frustrate the legislature’s intent to avoid unnecessary delay in the progress of litigation.

Moreover, the circumstances of the instant case differ considerably from those in *Berard*, which involved a wholly distinct ruling for sanctions that had no impact

¹ Curiously, although *Larriviere* characterized the judgment before it as a final judgment pursuant to La. Code Civ. P. art. 1841, it also cited La. Code Civ. P. art. 2083(A), which at the time permitted appeals of interlocutory judgments “which may cause irreparable injury. . . .”

on the progress of the main demand. In contrast, the deposition of Mr. Jones is directly related to plaintiffs' main demand against Allied.² Given the inherent appeal delays, a suspensive appeal of this discovery ruling will almost certainly delay the trial on the main demand. As aptly explained by the court in *Advertiser, Div. of Indep., Inc. v. Tubbs*, 199 So. 2d 426, 427 (La. App. 3rd Cir. 1967):

To impede the progress of litigation by granting an appeal whenever statutory enforcement provisions of the discovery devices are invoked seems to us a policy most unwise, for the every purpose [sic] of discovery devices is to reduce the delays inherent in the enforcement and defense of legal rights. Appellant's remedy, an application to this court for supervisory writs, affords him speedy and ample protection against oppressive or unreasonable sanctions which may be imposed by the lower court during pretrial production of evidence. [footnote omitted].

Applying this reasoning, we find the district court correctly denied Mr. Jones' motion for suspensive appeal. The court of appeal erred in reversing that judgment. However, in the interest of justice, we will grant Mr. Jones leave to convert his October 30, 2025 motion for appeal to a timely notice of intent to seek supervisory writs should he wish to do so.

DECREE

For the reasons assigned, the writ is granted and made peremptory. The judgment of the court of appeal is reversed, and the judgment of the district court denying the motion for appeal is reinstated. The case is remanded to the district court for further proceedings consistent with this opinion.

² While we acknowledge Mr. Jones takes the position that the notice of deposition was not issued in a corporate capacity, Mr. Jones expressly admitted in his motion to quash that "Plaintiffs do not seek Steve Jones's deposition as a private individual; they seek his deposition as the CEO of Allied Universal."