

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

BANKSTON & ASSOCIATES,  
L.L.C.

NO. 2018 CW 1389

VERSUS

JAN 03 2019

THE LOUISIANA DEPARTMENT OF  
JUSTICE AND JEFF LANDRY IN  
HIS OFFICIAL CAPACITY AS  
ATTORNEY GENERAL FOR THE  
STATE OF LOUISIANA

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In Re: The Louisiana Department of Justice and Jeff Landry in his Official Capacity as Attorney General for the State of Louisiana, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 665348.

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**BEFORE: WELCH, CRAIN, THERIOT, CHUTZ, AND PENZATO, JJ.**

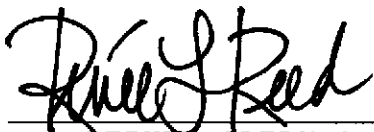
**STAY DENIED. WRIT GRANTED.** The district court's August 30, 2018 ruling, denying defendants', The Louisiana Department of Justice and Jeff Landry in his Official Capacity as Attorney General for the State of Louisiana, declinatory exception for lack of subject matter jurisdiction is reversed. See United Teachers of New Orleans v. Orleans Parish School Board, 355 So.2d 899 (La. 1978). If the case is moot, there is no subject matter on which the judgment of the court can operate. City of Hammond v. Parish of Tangipahoa, 2007-0574 (La. App. 1st Cir. 3/26/08), 985 So.2d 171, 178.

**AHP  
JEW  
MRT**

**Crain, J.**, concurs.

**Chutz, J.**, concurs in part and dissents in part. If La. R.S. 42:262(F) creates any right of action, it is vested solely with the state board or commission which submits the application. Therefore, I would remand the matter to district court with instructions to issue an order granting plaintiff, Bankston & Associates, LLC., the opportunity to amend its petition, if it can, within a delay deemed reasonable by the district court. See La. C.C.P. art. 934.

COURT OF APPEAL, FIRST CIRCUIT



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DEPUTY CLERK OF COURT  
FOR THE COURT