

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

PROFESSOR KEN M. LEVY

NO. 2025 CW 0125

VERSUS

BOARD OF SUPERVISORS OF
LOUISIANA STATE UNIVERSITY
AND A&M COLLEGE

FEBRUARY 4, 2025

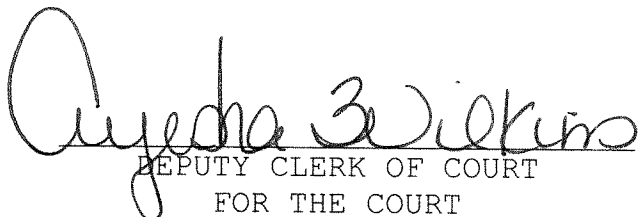
In Re: Board of Supervisors of Louisiana State University and A&M College, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 758368.

BEFORE: PENZATO, STROMBERG, AND CALLOWAY,¹ JJ.

WRIT GRANTED IN PART AND DENIED IN PART. The district court's January 30, 2025 temporary restraining order is vacated in part. A temporary restraining order, when in mandatory form and commands the doing of something, may not issue without a full evidentiary hearing and should not issue on an ex parte application. **Bollinger Mach. Shop and Shipyard, Inc. v. U.S. Marine, Inc.**, 91-0989 (La. App. 4th Cir. 2/25/92), 595 So.2d 756, writ denied, 600 So.2d 643 (La. 1992). See also **Deshotels v. White**, 2016-0889 (La. App. 1st Cir. 8/16/17), 226 So.3d 1211, 1218, writ denied, 2017-1565 (La. 12/5/17), 231 So.3d 628. The order issued by the district court herein contains both mandatory and prohibitive orders. Accordingly, the mandatory portion of the temporary restraining order which orders the immediate reinstatement of plaintiff to his position and teaching responsibilities is vacated. The writ is denied in all other respects.

AHP
TPS
CAC

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DEPUTY CLERK OF COURT
FOR THE COURT

¹**Calloway, J.**, serving as judge *pro tempore* of the Court of Appeal, First Circuit, by special appointment of the Louisiana Supreme Court.