

Bond Case Briefs

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Holy Cross Neighborhood Ass'n v. City of New Orleans

Court of Appeal of Louisiana, Fourth Circuit - September 9, 2015 - So.3d - 2015 WL 5272381 - 2014-1317 (La.App. 4 Cir. 9/9/15)

Neighborhood association and three individual neighbors brought action against city, city council, developer, and property seeking declaratory and injunctive relief related to city ordinance regarding proposed development of property. The Civil District Court granted preliminary injunction declaring ordinance ineffective. Intervening property owner appealed.

The Court of Appeal held that ruling on ineffectiveness of ordinance was beyond scope of preliminary injunction proceeding.

Court's declaration of the ordinance's ineffectiveness was in effect a ruling on the merits of the property owners' petition for declaratory relief, and there was nothing in the record to suggest that the parties agreed to try the declaratory action at the hearing on the preliminary injunction.