

Bond Case Briefs

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MONUMENTS - LOUISIANA

McGraw v. City of New Orleans

Court of Appeal of Louisiana, Fourth Circuit - March 29, 2017 - So.3d - 2017 WL 1164945 - 2016-0446 (La.App. 4 Cir. 3/29/17)

Member of monument maintenance organization brought action for declaratory and injunctive relief against city and mayor, seeking to halt removal of three statues of former leaders of the Confederate States of America from public property.

The Civil District Court denied preliminary injunction. Member sought devolutive appeal.

The Court of Appeal held that:

- Doctrine of “negotiorum gestio,” providing for quasi contract in certain circumstances where a manager of affairs acted to protect interests of another, did not operate to confer any vested property rights in statues on member, and thus removal of statues would not cause any irreparable harm to member, and
- Provision of state constitution recognizing right of people to preserve, foster, and promote their historic linguistic and cultural origins also did not confer any vested property rights in statues.