

Bond Case Briefs

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OPEN MEETINGS - LOUISIANA

Landry v. Duplechain

Court of Appeal of Louisiana, Third Circuit - November 6, 2019 - So.3d - 2019 WL 5782584 - 2019-457 (La.App. 3 Cir. 11/6/19)

Attorney general filed petition seeking to enforce Open Meetings Law against school board, superintendent, and other individual school board members.

The petition sought declaratory judgment finding that defendants violated Open Meetings Law, injunctive relief requiring defendants to abide by Open Meetings Law, as well as civil penalties, attorney fees, and costs. Superintendent filed exception of no cause of action, which was granted. The parties submitted stipulation, which included agreement that liability of individual members would be bifurcated and reserved for further proceedings, following determination of liability, vel non, of school board. Thereafter, the District Court rendered judgment against school board. Superintendent and individual members appealed.

The Court of Appeal held that:

- Superintendent was not a third party who had a right to appeal judgment rendered against school board, and
- Claims against individual members were separate and distinct from those ruled upon in judgment rendered against school board.

Superintendent was not a third party who had a right to appeal judgment rendered against school board in action against school board, superintendent, and other individual school board members; trial court rendered final judgment in favor of superintendent dismissing him as defendant from the action, this dismissal was based in part upon superintendent's admission that he was not an indispensable party to an action where his contract was at issue, and superintendent, as well as plaintiffs, did not appeal from judgment of dismissal.

Claims against individual school board members were separate and distinct from those ruled upon in judgment rendered against school board, in action against school board, superintendent, and individual members, and therefore judgment rendered against school board had no effect on rights of individual members and did not preclude them from presenting evidence or argument in defense of claims against them; individual members could only appeal portions of judgment adverse to them, judgment was rendered in favor of plaintiffs and against school board, and trial court's order designating judgment against school board as final made clear that remaining claims against individual members were distinct, severable, and governed by different standards of liability.