

Bond Case Briefs

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POLITICAL SUBDIVISIONS - LOUISIANA

Ojomo-Bakare v. Baton Rouge Community College

Court of Appeal of Louisiana, First Circuit - June 2, 2023 - So.3d - 2023 WL 3862305 - 2022-0970 (La.App. 1 Cir. 6/2/23)

Parents, individually and on behalf of their minor child, filed a petition for damages against community college, alleging that parent, a student at college, slipped and fell on campus as a result of an unknown substance causing her injury.

The District Court sustained college's declinatory exception raising objection of insufficiency of service of process and dismissed without prejudice. Parents appealed.

The Court of Appeal held that:

- Community college was a state agency, not a political subdivision, for purpose of determining which procedural rules governed service; and
- Parents timely requested service on the Board of Supervisors of the Louisiana Community and Technical Colleges System, the proper defendant.

Community college was a "state agency," not a political subdivision, for purpose of determining which procedural rules in the Louisiana Governmental Claims Act governing sufficiency of service applied to parents' slip-and-fall case against college individually and on behalf of their minor child; although statute establishing college called it an institution, that statute also provided that college would be under control, supervision, and management of the Board of Supervisors of Community and Technical Colleges, a state agency.

Parents timely requested service on the Board of Supervisors of the Louisiana Community and Technical Colleges System, the proper defendant in their slip-and-fall case against community college individually and on behalf of their minor child; although parents named college as original defendant and only requested service on college within 90 days of filing suit, parents 11 months later filed amending and supplemental petition, at which time the Board, identified as an agency of the state, was named as a defendant, triggering 90-day time period to request service of citation, and on same day, parents requested service of citation on the Board, the Attorney General, and the Office of Risk Management.