

KATHRYN STEELE AND STEELE
STRATEGIES, INC.

NO. 24-C-581

VERSUS

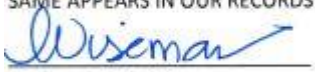
FIFTH CIRCUIT

MICHAEL D. KOTLER, PELICAN STATE
INDUSTRIAL MEDICINE, INC., MCM
MEDCLINIC MANAGEMENT, LLC AND ELITE
HEALTHCARE, LLC

COURT OF APPEAL

STATE OF LOUISIANA

FIFTH CIRCUIT COURT OF APPEAL
A TRUE COPY OF DOCUMENTS AS
SAME APPEARS IN OUR RECORDS



Linda Wiseman
First Deputy, Clerk of Court

December 06, 2024

Linda Wiseman
First Deputy Clerk

IN RE MICHAEL KOTLER, MD, PELICAN STATE INDUSTRIAL MEDICINE, INC., MCM MEDCLINIC
MANAGEMENT, LLC AND ELITE HEALTHCARE, LLC

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT,
PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE ELLEN SHIRER
KOVACH, DIVISION "K", NUMBER 838-907

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and Scott U. Schlegel

WRIT DISMISSED

Relators, third party plaintiffs Michael D. Kotler, Pelican State Industrial Medicine, Inc., MCM Medicine Management, LLC, and Elite Healthcare, L.L.C., seek this Court's supervisory review of the trial court's judgment of November 21, 2024, which granted the peremptory exception of no cause of action filed by third party defendants Brandon Robbins and Shannon Robbins-Davidoff, dismissing the third party demand against them and disposing of all claims against them.

Upon review, we find that the judgment complained of is a final judgment as per La. C.C.P. art. 1915(A)(1), which provides:

A. A final judgment may be rendered and signed by the court, even though it may not grant the successful party or parties all of the relief prayed for, or may not adjudicate all of the issues in the case, when the court:

(1) Dismisses the suit as to less than all of the parties, defendants, third party plaintiffs, third party defendants, or intervenors.

Thus, this Court does not have supervisory jurisdiction to review this final judgment. Relators may seek appellate review of this judgment by timely filing a motion for an appeal in the district court as per La. C.C.P. art. 2121.

Accordingly, this writ application is dismissed.

Gretna, Louisiana, this 6th day of December, 2024.

JGG
SMC
SUS

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



FIFTH CIRCUIT
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETNA, LOUISIANA 70054
www.fifthcircuit.org

CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. WISEMAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

(504) 376-1400
(504) 376-1498 FAX

NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **12/06/2024** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

24-C-581

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Ellen Shirer Kovach (DISTRICT JUDGE)
Daniel G. Collarini (Relator)

MAILED

William H. Eckert (Relator)
Attorney at Law
201 St. Charles Avenue
Suite 2500
New Orleans, LA 70170

Franklin J. Foil (Respondent)
Attorney at Law
412 North Fourth Street
Suite 240
Baton Rouge, LA 70802

Elizabeth A. Roussel (Respondent)
Attorney at Law
701 Poydras Street
Suite 4500
New Orleans, LA 70130