

OSVIN MORALES-MARTINEZ

NO. 24-C-591

VERSUS

FIFTH CIRCUIT

JOVAN LYMUEL, INTRASTATE TRUCKING,
LLC, LANDRIEU CONCRETE AND CEMENT
INDUSTRIES, LLC, RHL INVESTMENTS, LLC,
AND ZURICH AMERICAN INSURANCE
COMPANY

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

January 17, 2025

Linda Wiseman
First Deputy Clerk

IN RE OSVIN MORALES-MARTINEZ

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 856-709

Panel composed of Judges Susan M. Chehardy,
Marc E. Johnson, and Timothy S. Marcel

WRIT DENIED

In this case arising from an automobile accident, plaintiff Osvin Morales-Martinez seeks supervisory review of a November 8, 2024 judgment of the trial court granting a Motion to Set Security for Costs filed by defendants Jovan Lymuel, Intrastate Trucking, LLC, Landrieu Concrete and Cement Industries, LLC, RLH Investments, LLC, and Zurich American Insurance Company, and ordering Mr. Morales-Martinez to give security in the amount of \$26,000.00 within thirty days of the judgment.

La. R.S. 13:4522 provides that a defendant before pleading in all cases may by motion demand and require the plaintiff to give security for the cost in such case, and on failure to do so within the time fixed by the court such suit shall be dismissed without prejudice.

It is well established that the trial court has broad discretion in determining both the necessity for and the amount of security for costs. *Gunn v. Robertson*, 02-831 (La. App. 5 Cir. 12/30/02), 836 So.2d 643, 645; *Carter v. Phillips*, 337 So.2d 187, 189 (La. 1976); *Whitson v. Am. Ice Co.*, 164 La. 283, 289; 113 So. 849, 851 (La. 1927).

On the showing made, we find no abuse of the trial court's broad discretion in granting defendant's motion and ordering plaintiff to give security in the amount of \$26,000.00. This writ is denied.

Gretna, Louisiana, this 17th day of January, 2025.

TSM
SMC
MEJ

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 **01/17/2025** 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-591

E-NOTIFIED

24th Judicial District Court (Clerk)

Honorable Ellen Shirer Kovach (DISTRICT JUDGE)

William Peter Connick (Respondent)

Matthew D. Moghis (Respondent)

Michael S. Futrell (Respondent)

Joshua K. Vanderhooft (Respondent)

MAILED

Ivan A. Orihuela (Relator)

Attorney at Law

3213 Florida Avenue

Suite C

Kenner, LA 70065