

Fifth Circuit Court of Appeal State of Louisiana

No. 26-C-483

BRANDON DARROW

versus

GENESIS MARINE, LLC OF DELAWARE

IN RE GENESIS MARINE, LLC OF DELAWARE
APPLYING FOR SUPERVISORY WRIT FROM THE FORTIETH JUDICIAL DISTRICT COURT,
PARISH OF ST JOHN THE BAPTIST, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
VERCELL FIFFIE, DIVISION "A", NUMBER 2022-77952

TRUE COPY

October 16, 2026



SUSAN BUCHHOLZ
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
John J. Molaison, Jr., and Scott U. Schlegel

WRIT DENIED IN PART; WRIT GRANTED IN PART; STAY LIFTED

The relator, Genesis Marine, L.L.C. of Delaware (“Genesis”), seeks expedited review of the Order the trial court signed on October 9, 2026, following a telephone conference held on September 25, 2026.

The Order compels the plaintiff to submit to a Functional Capacity Examination (FCE) on October 13, 2026, which two of the plaintiff’s doctors would attend at the relator’s expense. We deny the writ application as to the relator’s objection to the October 13, 2026 FCE because that objection is now moot. The application demonstrates that the trial court’s original Order of June 12, 2026, which the court signed on August 20, 2026, permitted one of the plaintiff’s doctors to attend the FCE. Inexplicably, during the September 25, 2026 telephone

conference, the trial court changed the Order to permit two of the plaintiff's treating doctors to attend. We grant the writ in part and order the trial court to hold a contradictory hearing within five days of this disposition to (1) select a mutually convenient date for the FCE, (2) determine whether both of the plaintiff's doctors may attend the examination, and (3) determine whether the relator must compensate those doctors.

The application shows that the court originally set the trial date on June 12, 2026, in its pre-trial order. The relator neither objected to the trial date at that time nor sought review of that order within thirty days, as Rule 4-3 of the Uniform Rules, Courts of Appeal, requires. To the extent the relator argues that a related federal case should support a continuance, we note that La. C.C.P. art. 532 states: "When a suit is brought in a Louisiana court while another is pending in a court of another state or of the United States on the same transaction or occurrence, between the same parties in the same capacities, on motion of the defendant or on its own motion, the court may stay all proceedings in the second suit until the first has been discontinued or final judgment has been rendered." The relator has not shown that the trial court abused its discretion in denying its motion to stay. Accordingly, on the showing made, we deny the relator's request to stay or continue the November 30, 2026 trial date.

We lift the stay that this Court entered on October 9, 2026.

Gretna, Louisiana, this 16th day of October, 2026.

JJM
SMC
SUS

SUSAN M. CHEARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISON, 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. TRAN
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 **10/16/2026** 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

26-C-483

E-NOTIFIED

40th District Court (Clerk)
Honorable Vercell Fiffie (DISTRICT JUDGE)
Jeremy T. Grabill (Relator)
Richard P. Voorhies, III (Respondent)

Evans M. McLeod (Relator)
Corey M. Oubre (Relator)
Michael P. Fruge (Respondent)
Thomas M. Flanagan (Respondent)
Anders F. Holmgren (Respondent)

MAILED

David J. Saltaformaggio (Respondent)
Attorney at Law
1100 Poydras Street
Suite 2810
New Orleans, LA 70163

Joseph B. Marino (Respondent)
Attorney at Law
111 Veterans Memorial Boulevard
Metairie, LA 70005

Jordan Redmon (Respondent)
Attorney at Law
201 St. Charles Avenue
New Orleans, LA 70170

Magdalini Galitou (Relator)
Attorney at Law
365 Canal Street
New Orleans, LA 70130

Antonio M. Clayton (Respondent)
Attorney at Law
3741 LA Highway 1 South
Port Allen, LA 70767