

Fifth Circuit Court of Appeal State of Louisiana

No. 25-C-619

SANDTRELL BRODEN, ET AL

versus

PRIORITY MANAGEMENT GROUP, L.L.C., ET AL

IN RE RIVERLANDS HOME GROUP, LLC D/B/A CHATEAU ST. JAMES REHAB AND RETIREMENT APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-THIRD JUDICIAL DISTRICT COURT, PARISH OF ST JAMES, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE JASON VERDIGETS, DIVISION "A", No. 40,834

TRUE COPY

January 14, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,
Judge G. Gravois, and Timothy S. Marcel

WRIT DENIED; MOTION FOR STAY DENIED AS MOOT

Defendants seek review of the trial court's December 15, 2025 ruling rendered in open court granting Plaintiffs' second motion for contempt and sanctions against Defendants for discovery violations. Defendants also request a stay of the trial court proceedings, including the January 20, 2026 trial date currently set in this matter. For the reasons set forth below, we deny Defendants' writ application and deny as moot Defendants' motion for stay.

BACKGROUND

In April 2022, Plaintiffs filed suit against Defendants in this matter. Discovery ensued thereafter, and trial was set to begin on January 14, 2025. Upon Defendants' failure to produce all documents sought, Plaintiffs filed their first

motion to compel production of documents in October 2024. On November 18, 2024, the trial court granted Plaintiffs' motion and ordered discovery to be complete by November 25, 2024. On November 26, 2024, newly retained Defense counsel file a motion to substitute counsel which was granted by the court. Thereafter, on November 28, 2024, upon Defendants' failure to comply with the trial court's discovery order, Plaintiffs filed a motion for contempt and sanctions. On December 2, 2024, Defendants filed a motion to continue trial which the trial court denied on December 5, 2024. Thereafter, on December 16, 2024, the trial court held a hearing on Plaintiffs' contempt motion, during which, newly retained Defense counsel informed the court that Defendants had answered all discovery requests and produced all responsive documents in their possession. Based upon counsel's assurances, the trial court denied Plaintiffs' motion for contempt and sanctions. On December 30, 2024, this Court granted Defendants' writ in part, continuing the trial of this matter, ultimately to be reset by the trial court for January 20, 2026—a one-year continuance. *See Broden v. Priority Management Group, LLC*, 24-619 (La. App. 5 Cir. 12/30/2024), 2024 WL 5243078.

Based upon Defense counsel's assurances to the trial court in the December 16, 2024 contempt hearing, Plaintiffs believed Defendants had produced all documents responsive to Plaintiffs' discovery requests. However, Defense counsel admitted during the December 15, 2025 contempt hearing as well as in her current writ application that, on December 31, 2024, she received a zip file containing roughly an additional 6000 documents from her client responsive to Plaintiffs' various earlier discovery requests. She informed neither Plaintiffs nor the trial court of the existence of these documents for several months. In her writ application, Defense counsel states that she instead developed a case strategy to file various dispositive motions, one being a re-urged motion for summary judgment

which had already been denied by the court, before supplementing the December 2024 discovery responses with the newly obtained documents.

While Defense counsel states in the writ application that she “began supplementing discovery in July 2025,” counsel apparently first informed Plaintiffs’ counsel of the outstanding discovery in October and November 2025. At that point, almost one year after assuring the trial court that all documents had been produced, Defense counsel began making production of documents responsive to Plaintiffs’ discovery requests. On December 5, 2025, in Defendants’ response to Plaintiffs’ second motion for contempt, Defense counsel—for the first time—informe d Plaintiffs and the trial court that the additional documents responsive to Plaintiffs’ discovery requests of a year earlier actually numbered in excess of 6000. In their second motion for contempt and sanctions filed on November 13, 2025, Plaintiffs sought a ruling of contempt and sanctions as allowed pursuant to La. C.C.P. art. 1471 for Defendants’ failure to obey the trial court’s November 18, 2024 discovery order, and for Defendants’ concealment of evidence pursuant to La. C.C.P. arts. 1428 and 1473. The trial court rendered its ruling in open court on December 15, 2025, granting Plaintiffs’ motion as follows:

The Court is going to grant the second motion for contempt. The Court is going to grant the monetary sanctions. Regarding that, the Court is going to order that the cost be paid for bringing the motion and that the plaintiffs’ counsel provide the Court with an itemized breakdown of their cost to prepare for the motion, time in court, those things, on -- with the contempt.

The Court will grant that the plaintiff can call any witness revealed in the late-produced documents and that the defendants cannot mention them until -- and regarding, again, only the late-produced documents -- until such door is opened by the plaintiff, and then the spoliation.

The trial court has not issued a written judgment. On December 30, 2025, Defendants filed an application for supervisory writ in this Court. In the interest of justice, we exercise our supervisory jurisdiction and consider Defendants’ writ application.

ANALYSIS

La. C.C.P. art. 1471 provides, in pertinent part, that, “If a party or an officer, director, or managing agent of a party or a person designated under Article 1442 or 1448 to testify on behalf of a party fails to obey an order to provide or permit discovery, including an order made under Article 1464 or 1469, the court in which the action is pending may make such orders in regard to the failure as are just, including any of the following:

- (1) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order.
- (2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence.
- (3) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a default judgment against the disobedient party upon presentation of proof as required by Article 1702.
- (4) In lieu of any of the foregoing orders or in addition thereto, an order treating as a contempt of court the failure to obey any orders except an order to submit to a physical or mental examination.
- (5) Where a party has failed to comply with an order under Article 1464, requiring him to produce another for examination, such orders as are listed in Subparagraphs (1), (2), and (3) of this Paragraph, unless the party failing to comply shows that he is unable to produce such person for examination.

La. C.C.P. art. 1471(A).

The failure to timely supplement discovery responses, when a duty to do so exists, may trigger sanctions. *Guidry v. Savoie*, 15-809 (La. App. 5 Cir. 5/26/16), 194 So.3d 1184, 1194, *writ denied*, 16-1218 (La. 10/17/16), 207 So.3d 1064. Under La. C.C.P. art. 1428, the duty to timely supplement discovery responses is continuing

and affirmative. *Id.* The article does not specify what sanctions should be imposed but provides the trial court with great discretion regarding the admission of evidence when a party objects on the ground that his opponent failed to supplement discovery. *Fidele v. Crescent Ford Truck Sales, Inc.*, 00-1934 (La. App. 5 Cir. 4/11/01), 786 So.2d 147, 152.

The trial court has considerable discretion regarding the type and severity of sanctions to be imposed. *In re Succession of Horn*, 02-430 (La. App. 5 Cir. 9/30/02), 827 So. 2d 1241, 1247, *writ denied*, 02-2917 (La. 2/7/03), 836 So. 2d 105 (citing *Butler v. Reeder*, 98-484 (La. App. 5 Cir. 12/29/98), 728 So.2d 888, 894, *writs denied*, 99-1026 (La. 5/28/99), 743 So.2d 673 and 99-1035 (La. 5/28/99), 743 So.2d 674). Further, an appellate court's interference with trial matters, such as control of a docket and case management, should be exercised only with reluctance and in extreme cases. *Moonan v. Louisiana Med. Mut. Ins. Co.*, 16-407 (La. App. 5 Cir. 12/21/16), 209 So. 3d 360, 362 (citation omitted).

The trial court ordered Defendants to produce documents responsive to Plaintiffs' discovery requests on November 18, 2024. Defendants defied that order. In their writ application, Defendants admit that, by December 31, 2024, they had possession of responsive documents, but that they waited until October 2025 to begin producing thousands of pages of documents not previously disclosed to Plaintiffs.

Because Defendants failed to comply with its discovery order, the trial court was authorized under La. C.C.P. art. 1471 to order Defendants to pay monetary sanctions, to limit Defendants' use of the late discovery, and to allow an adverse presumption jury instruction to be used against Defendants. We find that the trial court did not abuse its much discretion in imposing sanctions on Defendants for their failure to comply with its discovery orders. Accordingly, we affirm the trial court's judgment. *See Hutchinson v. Westport Ins. Corp.*, 04-1592 (La. 11/8/04), 886 So.2d

438, 440 (“The trial court has much discretion in imposing sanctions for failure to comply with discovery orders, and its ruling should not be reversed absent an abuse of discretion.”).

Specifically, as to the issue of an adverse presumption jury instruction, which, we reiterate, is a sanction well within the trial court’s discretion, the specific language of that instruction is properly reserved to a pre-deliberation jury charge conference. The Code of Civil Procedure affords the parties an opportunity to object to particular jury instructions prior to their being given to the jury. *See* La. C.C.P. art. 1793. Moreover, should Defendants receive an adverse ruling at trial, we find that they have an adequate remedy on appeal. *See Varrecchio v. Lemoine Co., L.L.C.*, 23-603 (La. App. 5 Cir. 1/31/24), 381 So.3d 210, 216.

CONCLUSION

For the reasons thoroughly discussed herein, Defendants’ writ is denied. Further, as we deny Defendants’ writ, we accordingly deny Defendants’ motion to stay as moot.

Gretna, Louisiana, this 14th day of January, 2026.

**FHW
JGG
TSM**

SUSAN M. CHEHARDY

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



CURTIS B. PURSELL

CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

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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
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THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY
COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

25-C-619

E-NOTIFIED

23rd Judicial District Court (Clerk)

Honorable Jason Verdigets (DISTRICT JUDGE)

Jordan M. Jeansonne (Respondent)

Ann M. LeBlanc (Relator)

Kathryn M. Caraway (Relator)

MAILED

Lauren B. Papillion (Relator)

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