Fifth Circuit Court of Appeal
State of Louisiana

No. 26-C-532

SALVADOR "SAL" BROCATO III AND THE COMMITTEE TO ELECT SAL BROCATO, INC.

versus

MICHAEL JAY MARSIGLIA AND MICHAEL JAY MARSIGLIA CAMPAIGN COMMITTEE

IN RE MICHAEL JAY MARSIGLIA, THE MICHAEL JAY MARSIGLIA CAMPAIGN COMMITTEE APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE DANYELLE M. TAYLOR, DIVISION "O", No. 881-564

TRUE COPY



MORGAN NAQUIN
DEPUTY CLERK

November 03, 2026

Panel composed of Judges Susan M. Chehardy, Marc E. Johnson, and Stephen J. Windhorst

REHEARING DENIED

Relators, Michael Jay Marsiglia and the Michael Jay Marsiglia Campaign Committee, again seek emergency review of the district court's order granting a preliminary injunction that restricts political campaign advertising regarding Salvador "Sal" Brocato III, who is Mr. Marsiglia's opponent in the November 3, 2026 election for Jefferson Parish First Parish Court, Division A. We again decline to review this matter.

First, the October 31, 2026 writ application is essentially, verbatim, an application for rehearing of the writ application that relators filed, and this Court denied, on October 30, 2026. *See Brocato v. Marsiglia*, 26-C-529 (La. App. 5 Cir. 10/30/26) (unpublished writ disposition). Louisiana's Uniform Rules—Courts of Appeal, Rules 4-9 and 2-18.7, do not permit rehearing from a writ denial.[1]

[1] Uniform Rules—Courts of Appeal, Rule 4-9 provides: "Rule 2-18 shall apply to requests for rehearing related to writ applications." Rule 2-18.7, states: "An application for rehearing shall be

Second, even if the current writ application were not a rehearing request, it contains neither a notice of intent to seek supervisory writ or an order from the district court setting a return date. Under Louisiana's Uniform Rules—Courts of Appeal, Rule 4-3, the "application shall contain documentation of the return date and any extensions thereof; any application that does not contain this documentation may not be considered by the Court of Appeal."

Third, on October 30, 2026, in addition to seeking review in this Court, the district court record indicates that relators filed an Emergency Motion for New Trial in the district court seeking to vacate or vitiate the preliminary injunction orally granted on October 29, 2026. Respondents, Mr. Brocato and The Committee to Elect Sal Brocato, Inc., also filed a Motion for Contempt for Violating the October 29, 2026 Judgment. On October 30, 2026, apparently after this Court denied relators' first writ application, the district court signed a written judgment and issued reasons for judgment, memorializing its oral ruling of October 29, 2026. At that time, the district court also set relators' motion for new trial to be heard on Wednesday, November 4, 2026, at 9:00 a.m.[2] While relators certainly are not prohibited from seeking supervisory review of the trial court's October 29, 2026 preliminary injunction ruling while also filing a motion for new trial from that ruling, we find the district court is in a better position to resolve the relevant issues and that review by this Court may be premature.[3]

Therefore, given the procedural deficiencies of this application, the pending motions in the district court, and in accordance with the Uniform Rules-Courts of Appeal, Rule 4-9 and Rule 2-18.7, this request for rehearing is denied.

Gretna, Louisiana, this 3rd day of November, 2026.

SMC
MEJ
SJW

considered only in cases where the court has: (1) Granted a writ application on the merits; (2) Dismissed an appeal; or (3) Ruled on the merits of an appeal."

[2] At this time, it does not appear that the district court has set this motion for contempt for hearing.

[3] We are mindful that the filing of a motion for new trial does not extend the delay for seeking supervisory review of the trial court's order granting injunctive relief to respondents. But our refusal to exercise our supervisory jurisdiction at this juncture does not in any way prohibit the litigants from an appeal pursuant to La. C.C.P. art. 3612, should they choose to file one.

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISON, JR.
SCOTT U. SCHLEGEL
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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 **11/03/2026** 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

CURTIS B. PURSELL
CLERK OF COURT

26-C-532

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Danyelle M. Taylor (DISTRICT JUDGE)
Scott L. Sternberg (Relator)
Michael J. Marsiglia (Relator)
John A. Venezia (Respondent)

MAILED

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