

Fifth Circuit Court of Appeal State of Louisiana

No. 26-C-376

SARA BRANNON

versus

THE ROMAN CATHOLIC CHURCH OF THE ARCHDIOCESE OF
NEW ORLEANS

IN RE THE ROMAN CATHOLIC CHURCH OF THE ARCHDIOCESE OF NEW ORLEANS
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
NANCY A. MILLER, DIVISION "I", No. 873-881

TRUE COPY

October 13, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and Marc E. Johnson

JUDGMENT REVERSED; EXCEPTION OF NO CAUSE OF ACTION GRANTED; UNDERLYING MATTER DISMISSED WITH PREJUDICE

This case concerns an exception of no cause of action filed in a matter wherein a parent brought suit against a high school for a student's tragic off-campus suicide following a disciplinary action taken by the school. Because we find that the actions of the student lack an ease of association with the school's duty in administering discipline, we find the facts presented in plaintiff's petition are insufficient to impose wrongful death liability upon the school, and thus grant the writ, reverse the trial court's judgment, grant the exception of no cause of action, and dismiss the underlying matter with prejudice.

Background and Procedural History

In her petition, plaintiff Sara Brannon alleges that her son, Devon Shelton, was a junior at Archbishop Rummel High School in Metairie, Louisiana in March of 2025. In 2023, when he was in ninth grade, Devon expressed suicidal ideations to a friend, who then reported this to Rummel, who thereafter required Devon to attend six months of outside counseling, which he completed. No further reports of suicidal ideation were ever made known to Rummel. The petition further alleges that the plaintiff, Devon, and the plaintiff's ex-husband, Rick Ford,¹ attended a meeting with school administrators on March 17, 2025. At the meeting, plaintiff, Devon, and Mr. Ford were told that Devon was involved in a physical altercation with another student the day before, that Devon had come to school the previous Thursday with alcohol on his breath, and that he had admitted to a teacher that he had been drinking before coming to school that day. As a result of these incidents, Devon was expelled from Rummel. After the meeting, Devon was discharged from school into the custody of his parents, and they took him home. Later, while at home under the supervision of his parents, Devon found a handgun in the house and tragically took his own life.

On March 17, 2026, plaintiff filed this lawsuit against the Roman Catholic Church of the Archdiocese of New Orleans seeking damages in connection with her son's suicide, as well as damages for her own alleged mental pain and suffering, survival damages on behalf of her son based on his alleged mental pain and suffering, and for any treatment that might be required for issues allegedly resulting from the death of her son. In her petition, plaintiff alleged that Rummel owed a duty to her son to administer discipline in a way that is reasonable and non-arbitrary, and had breached that duty, which led to her son's suicide. On May 14, 2026, defendant filed a peremptory exception of no cause of action asserting that Louisiana law does not permit recovery for off-campus acts of student self-harm following school disciplinary decisions. On July 1, 2026, plaintiff filed a memorandum in opposition to the peremptory exception of no cause of action filed by defendant. Defendant filed a reply memorandum in support of its peremptory exception of no cause of action on July 7, 2026. A hearing on defendant's peremptory exception of no cause of action was held on July 9, 2026. The trial court overruled the exception by way of a judgment dated July 14, 2026.

Defendant comes before this Court on a writ application requesting that this Court reverse the trial court's judgment overruling the exception of no cause of action.

Discussion

Under La. C.C.P. article 927, the exception of no cause of action challenges the legal sufficiency of the petition on its face. Article 931 expressly provides that "no evidence may be introduced at any time to support or controvert the objection

¹ Mr. Ford is not the biological father of Devon but is considered his father by all relevant parties.

that the petition fails to state a cause of action.” The court must accept all well-pleaded facts as true but is not required to accept legal conclusions or speculative inferences. *Bergeron v. USAA Prop. & Cas. Ins. Co.*, 21-183 (La. App. 3 Cir. 10/6/21), 329 So.3d 384, 386.

Plaintiff here is attempting to prove negligence on the part of Rummel. Louisiana negligence under La. C.C. art. 2315 requires proof of five elements: duty, breach, cause-in-fact, scope of liability (legal cause), and damages. If any one of these elements are lacking, negligence is not found. *Carroll v. State Farm Fire & Cas. Co.*, 31,652 (La. App. 2d Cir. 5/05/99), 732 So.2d 1263.

The duties owed to students by a regular, non-custodial high school are limited. The Louisiana Supreme Court in *S.J. v. Lafayette Par. Sch. Bd.*, 09-2195 (La. 7/6/10), 41 So.3d 1119, confirmed that a school board’s duty of reasonable supervision does not mean that it is the insurer of student safety, and the duty’s scope depends heavily on the age of the student and attendant circumstances. A school’s duty is generally limited to the school day and campus; Louisiana courts have consistently held that the duty of supervision ceases when the student leaves school premises. See *Jackson v. Colvin*, 98-182 (La. App. 3 Cir. 12/23/98), 732 So.2d 530, and, *BL v. Caddo Par. Sch. Bd.*, 46,557 (La. App. 2 Cir. 9/21/11), 73 So.3d 458 (both affirming that a school board’s duty does not extend to off-campus events). Devon died at his parents’ home—not on campus, not during school hours, and not under any custody or supervision of Rummel. This is precisely the scenario where Louisiana courts have declined to extend school liability. Furthermore, even the duty owed by Rummel as alleged in plaintiff’s petition—to “act in a reasonable, non-arbitrary fashion, and to take disciplinary actions such as expulsion on legitimate grounds”—only further attenuates Rummel’s conduct and Devon’s subsequent actions. Though the petition alleges deficiencies in the school’s investigation of the physical altercation and further alleges a failure to inform the parents of an alcohol incident involving Devon a few days prior, there is no allegation that Rummel grossly violated its own policies or acted in an unreasonable or arbitrary manner in expelling Devon. There is no allegation that Devon was treated differently than other students.

The duty of schools to prevent self-harm in Louisiana arises primarily in the custodial context, i.e., prisons and detention facilities, where the defendant has the person in physical custody and has specific, contemporaneous knowledge that the person is a suicide risk. In *Guillot on behalf of T.A.G. v. Russell*, 59 F.4th 743 (5th Cir. 2023), the Fifth Circuit applied Louisiana law holding that correctional employees did not owe a duty of care to prevent a prisoner’s suicide, absent evidence of a known and temporally proximate suicidal risk. The court emphasized that prior suicidal ideation—even within a month or ten days of death—was insufficient without evidence of a contemporaneous vocalization of suicidal thoughts. Here, Devon’s known suicidal ideation was from 2023, two years before his expulsion. Rummel is not a jail, mental hospital, or boarding school. The Fifth Circuit in *Doe ex rel. Magee v. Covington Cnty. Sch. Dist. ex rel. Keys*, 675 F.3d 849 (5th Cir.

2012), confirmed that schools do not stand in the same custodial relationship as prisons or state mental health institutions, and therefore no heightened constitutional special relationship exists. While *Covington, Id.*, involved federal constitutional claims under § 1983, the court expressly noted that any school duty to students must derive from state tort law. Louisiana state tort law, as discussed herein, has not recognized an affirmative duty by a non-custodial school to prevent a student's off-campus self-harm following expulsion.

Ultimately, Devon's tragic actions were not within the scope of any duty owed by Rummel. Even if some general duty existed, the scope-of-liability element under Louisiana's duty-risk analysis requires that the particular risk that caused the harm be within the scope of the duty. *Frederick v. Vermilion Par. Sch. Bd.*, 00-382 (La. App. 3 Cir. 10/18/00), 772 So.2d 208, held that a sexual assault of a high school student after she left campus was not within the scope of the school board's duty, even where the school's failure to notify caused the student to be in the wrong place at the wrong time (the school neglected to mention band practice was cancelled, and the student caught a ride home with four male students who violently raped her). The risk of a student's self-inflicted death at home after an expulsion is an even more attenuated harm. In *Huey v. Caldwell Par. Sch. Bd.*, 47,704 (La. App. 2 Cir. 1/16/13), 109 So.3d 924, the court emphasized that age, foreseeability, and lack of school control over students off-campus are pivotal factors in scope-of-duty analysis. Devon was 17 years old, i.e., not a young child requiring constant supervision. He was at home, released to his parents' care and supervision. The intervening conduct—Devon's decision to take his own life—is not within the class of risks that a school's disciplinary function is designed to guard against.

Regardless, even if Rummel had some theoretical exposure to liability, Devon's suicide constitutes an independent and intervening cause. Louisiana law recognizes that even where a defendant is at fault, a superseding intervening cause can sever the causal chain. Devon's voluntary act of suicide using a firearm found in his parents' home constitutes an independent intervening act. *Favret v. Favret*, 22-0820 (La. App. 4 Cir. 7/31/23), 371 So.3d 511, recognized that Louisiana law imposes a duty not to negligently precipitate a foreseeable crime of a third party, but only where that crime is a direct and foreseeable consequence of the specific negligence alleged. The deliberate self-inflicted act of a 17-year-old using a weapon stored in his own home two years after his prior suicidal ideation had been addressed is not a direct and foreseeable consequence of a school's expulsion decision. In *Russell*, 59 F.4th 743, the Fifth Circuit held under Louisiana law that prior suicidal ideation that was not temporally proximate to the death, and also without a contemporaneous vocalization of suicidal intent, is insufficient to establish the ease of association between the defendant's conduct and the damages required for legal cause.

Furthermore, plaintiff's petition lacks any facts establishing the required "ease of association" between the alleged duty breached and the resultant damages, which is crucial to a determination of liability. *Russell*, 59 F.4th 743. *Coleman v. Joyner*,

593 So.2d 451 (La. Ct. App. 1992), held that a single prior fight was insufficient to put a school on notice of future violent behavior, defeating the foreseeability required for legal cause. Here, Devon’s suicidal ideation was two years old and had been addressed through six months of outside counseling that was mandated by Rummel. The Petition does not allege that Devon expressed any renewed suicidal ideation between 2023 and the expulsion meeting on March 17, 2025. The absence of any contemporaneous suicidal signal at the time of expulsion defeats the ease-of-association requirement. While the Petition pleads that administrators were told “Y’all are taking his life away,” that statement by Devon’s father is not a vocalization of suicidal intent by Devon himself and is insufficient to give Rummel actual notice of an imminent self-harm risk.

For these reasons, we find that the trial court erred in overruling Rummel’s exception of no cause of action. As tragic as the facts of this matter are, those stated in the petition, taken as true, would not legally fit into any theory of recovery. For those reasons, the ruling of the lower court is reversed, the exception of no cause of action is granted, and the underlying matter is dismissed with prejudice.²

Gretna, Louisiana, this 13th day of October, 2026.

SMC
JGG
MEJ

² La. C.C.P. art. 934 provides:

When the grounds of the objection pleaded by the peremptory exception may be removed by amendment of the petition, the judgment sustaining the exception shall order such amendment within the delay allowed by the court. If the grounds of the objection raised through the exception cannot be so removed, or if the plaintiff fails to comply with the order to amend, the action, claim, demand, issue, or theory shall be dismissed.

Under the circumstances presented, we conclude that the grounds of the objection raised in defendant’s exception of no cause of action cannot be removed by amendment to the petition. We therefore dismiss the underlying matter with prejudice.

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
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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 **10/13/2026** 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-376

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Nancy A. Miller (DISTRICT JUDGE)
Richard C. Trahant (Respondent)

Michael L. Deshazo (Relator)
Christine W. Adams (Relator)
Lillie E. Joyce (Respondent)
Molly E. Ziegler (Relator)
John W. Houghtaling, II (Respondent)
Kevin R. Sloan (Respondent)

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