

Fifth Circuit Court of Appeal State of Louisiana

No. 26-C-244

KENSINGTON CAPITAL ADVISORS, LLC, ET AL

versus

DELOS CAPITAL MANAGEMENT LP, ET AL

IN RE KENSINGTON CAPITAL ADVISORS, LLC, KENSINGTON REALTY GROUP, LLC, ALLIED TRANSPORTATION OF LOUISIANA, LLC, PELICAN BARGE AND TRANSPORTATION, LLC, JOHN OHLE, AND RIVER PARISHES DIRT & GRAVEL, LLC APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE JUNE B. DARENSBURG, DIVISION "C", No. 851-721

TRUE COPY

August 14, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,
Marc E. Johnson, and John J. Molaison, Jr.

WRIT DENIED

Relators, Kensington Capital Advisors, LLC, *et al.*, seek supervisory writs from the March 20, 2026 ruling of the 24th Judicial District Court granting in part and denying in part a *Motion for Sanctions (Tax Returns and Quickbooks Records)* filed against them by Respondents, Delos Capital Management, LP, *et al.*, and awarding sanctions against them. Relators also seek supervisory writs from a separate ruling, entered March 30, 2026, denying their motion for a new trial from the March 20, 2026 sanctions ruling. For the reasons stated below, the writ application is denied.

In their motion for sanctions, Respondents sought to have the trial court impose sanctions against Relators for their alleged failure to comply with the trial court's December 18, 2025 ruling ordering Relators to take certain actions to produce their federal tax returns for 2018-2024 and ordering Relators, Allied Transportation of Louisiana, Inc. and River Parishes Dirt & Gravel, LLC to take actions to produce their QuickBooks Online Account records.

These tax returns and QuickBooks records were the subject of a discovery dispute dating back to at least August 2025 and had resulted in a prior order relative to their production. Following a hearing on March 20, 2026, the trial court found Relators to be in violation of the December 18, 2025 order and awarded sanctions against Relators for Respondent's attorney's fees and costs associated with their efforts to obtain production of the requested documents.¹

Louisiana Code of Civil Procedure article 1918 provides that "[a] final judgment shall be identified as such by appropriate language." It is well settled that a final judgment must be precise, definite, and certain. *Conley v. Plantation Mgmt. Co., L.L.C.*, 12–1510 (La. App. 1 Cir. 5/6/13), 117 So.3d 542, 546, *writ denied*, 13–1300 (La. 9/20/13), 123 So.3d 178. The specific relief granted should be determinable from the judgment without reference to an extrinsic source such as pleadings or reasons for judgment. *Conley*, 117 So.3d at 547. Because only judgments are made executory in Louisiana courts, La.C.C.P. art. 2781, *et seq.*, to be legally enforceable as a valid judgment, a third person should be able to determine from the judgment the party cast and the amount owed without reference to other documents in the record. *Conley*, 117 So.3d at 547.

The March 2026 sanctions judgment provides, in pertinent part:

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that GCCM Defendants' [Respondents herein] request for attorney's fees and costs is hereby **GRANTED**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that GCCM Defendants' shall provide an Affidavit of itemized attorney's fees to the Court within seven days of the signing of this Judgment.

The amount of attorney fees cannot be determined from the judgment, and as such, the judgment is not a partial final judgment under La. C.C.P. art. 1915(A)(6) but is interlocutory.² *Roccaforte v. Nintendo of America, Inc.*, 01-210 (La. App. 5 Cir. 11/14/01), 802 So.2d 764, n. 3; *In re Interdiction of Metzler*, 15-0982 (La. App. 1 Cir. 2/22/16), 189 So. 3d 467, 469; *Andrew Paul Gerber Testamentary Trust v. Flettrich*, 16-65 (La. App. 4 Cir. 11/2/16),

¹ The trial court denied without prejudice other sanctions that had been requested by Respondents, including a continuance of the trial and dismissal of Relators' Trucking Contract damage claims.

² La. C.C.P. art. 1915(A)(6) provides that a final judgment may be rendered, even though it may not grant the successful party or parties all of the relief prayed for or may not adjudicate all of the issues in the case, when the court imposes sanctions or disciplinary action pursuant to Article 191, 863 or 864 or Code of Evidence Article 510(G).

204 So.3d 634, 638-39.³ Article 1915(A)(6) has been interpreted by this Court to apply to all contempt judgments. *Healthlogic Partners, L.L.C. v. Owen*, 22-47 (La. App. 5 Cir. 11/2/22), 362 So.3d 824, 842.

Accordingly, a judgment finding that a party violated an order of the court requiring the party to comply with discovery and imposing sanctions is a final appealable judgment under Article 1915(A)(6), over which we have appellate, not supervisory, jurisdiction. Here, however, the trial court's failure to fix the amount of the attorney's fees in the judgment renders it interlocutory and – because Relators waited for a ruling on their motion for new trial prior to seeking supervisory writs – untimely.

Uniform Rule 4-3 of the Uniform Rules of the Louisiana Courts of Appeal establishes the period within which a litigant is entitled to seek supervisory writs. That period is thirty days from the date of the ruling sought to be reviewed. A motion for new trial from an interlocutory ruling, as opposed to a final judgment, does not interrupt the running of the thirty day period under Uniform Rule 4-3. *Carter v. Rhea*, 01-234 (La. App. 4 Cir. 4/25/01), 785 So.2d 1022, 1024-25.

The sanctions ruling was announced in open court, reduced to writing, and signed by Relators' counsel on March 20, 2026. Relators did not file their notice of intent to seek supervisory writs until May 14, 2026. The writ application was not filed until May 29, 2026, more than two months after running of the thirty day period for seeking supervisory writs under Uniform Rule 4-3.

We also observe that Relator's motion for new trial, which was taken from an interlocutory order, was premature. A motion for new trial can be taken from a final judgment. La. C.C.P. arts. 1971, *et seq.*; *Clement v. Am. Motorists Ins. Co.*, 98-504 (La. App. 3 Cir. 2/3/99), 735 So. 2d 670, 672, *writ denied sub nom. Clement v. Am. Motorist Ins. Co.*, 99-0603 (La. 4/23/99), 742 So. 2d 886. A motion for new trial filed before the signing of a final judgment is premature and without legal effect. *Id.*; *Carter*, 785 So.2d at 1024. *See also Winston v. Martin*, 34,424 (La. App. 2d Cir. 9/21/2000), 801 So.2d 389, 391-92, observing that ("[A] motion for new trial is a procedural device applying only to final judgments.") Because the trial court's sanctions ruling was interlocutory, the motion for new

³ *See also Julien v. Julien*, 18-804 (La. App. 1 Cir. 1/28/19), 2019 WL 350383, **8-9 involving a contempt judgment awarding attorney's fees and costs which was found to be final as to contempt and costs, but not attorney's fees, a fact that rendered the entire judgment interlocutory. ([T]he portions of the judgment which are interlocutory for the purpose of an immediate appeal render the *entire judgment* fatally defective, and without a valid, final judgment, this court lacks appellate jurisdiction. *See* La. C.C.P. arts. 1918 and 2083; *Rosewood Enterprises, Inc. v. Rosewood Development, LLC*, 16-0352 (La. App. 1 Cir. 3/6/17), 2017 WL 900041 (unpublished); *Duet v. Landry*, 16-0575 (La. App. 1 Cir. 3/6/17), 2017 WL 900066 (unpublished); *Gaten v. Tangipahoa Parish School System*, 11-1133 (La. App. 1 Cir. 3/23/12), 91 So. 3d 1073, 1074.)

trial was premature and we may not exercise our supervisory jurisdiction to review its denial.

Accordingly, for the foregoing reasons, Relator's writ application is denied.

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

FHW
MEJ
JJM

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
GRETN, 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 **08/14/2026** 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-244

E-NOTIFIED

24th Judicial District Court (Clerk)	
Honorable June B. Darensburg (DISTRICT JUDGE)	
Mark R. Beebe (Respondent)	Corey E. Dunbar (Relator)
Robert J. Stefani, Jr. (Respondent)	Matthew W. McDade (Respondent)

MAILED

Michael J. Cerniglia (Respondent)	Brandon E. Mary (Respondent)
Jailyn J. Heisser (Respondent)	Attorney at Law
Attorney at Law	629 Village Lane South
201 St. Charles Avenue	Mandeville, LA 70471
45th Floor	
New Orleans, LA 70170	