

**Fifth Circuit Court of Appeal
State of Louisiana**

No. 26-C-220

**AMOS FINANCIAL LLC, AS SUCCESSOR-IN-INTEREST TO
NESTOR I LLC**

versus

JAMIE P. LABRANCHE AND KIM M. LABRANCHE

**IN RE AMOS FINANCIAL LLC, AS SUCCESSOR-IN-INTEREST TO NESTOR I LLC
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", No. 54,549**

TRUE COPY

May 22, 2026



**LINDA TRAN
DEPUTY CLERK**

Panel composed of Judges Fredericka Homberg Wicker,
John J. Molaison, Jr., and Scott U. Schlegel

WRIT GRANTED IN PART AND DENIED IN PART

The relator, Amos Financial, L.L.C., seeks review of the trial court's March 31, 2026 orders that (1) set the pro se respondent Jamie Labranche's contradictory motions for hearing and stayed all proceedings, and (2) granted a suspensive appeal of the February 19, 2026 rulings with a \$400.00 appeal bond. For the reasons that follow, we grant the writ in part and deny it in part.

PROCEDURAL HISTORY

This foreclosure proceeding has an extensive and tortured procedural history. The original mortgage holder commenced the action in 2007. The

matter was removed to federal court and then remanded back to state court in 2011. In 2013, the trial court granted the mortgage holder's motion for summary judgment and issued a writ of sale and seizure. In 2016, however, the court quashed that writ because the 2013 judgment lacked the required statutory language, including the property description and the amount owed. On January 22, 2018, the prior mortgage holder obtained a "Reformed Judgment" in the amount of the outstanding mortgage plus interest, fees, and costs. Since that time, the respondent has pursued repeated attempts to appeal that judgment.

This Court dismissed the respondent's appeal because a motion for new trial remained pending and this Court lacked jurisdiction. *Liquidation Props., Inc. v. Labanche*, 19-277 (La. App. 5 Cir. 11/27/19), 283 So.3d 659, 661, writ granted sub nom. *Liquidation Props., Inc. v. LaBranche*, 24-00330 (La. 4/10/24), 383 So.3d 143, on reh'g in part, 24-00330 (La. 6/25/24), 386 So.3d 1073. On remand, the trial court denied the motion for new trial. The respondent filed a second appeal, which was dismissed as untimely. On May 4, 2023, the trial court dismissed the respondent's third appeal as abandoned. According to the writ application, the trial court issued a writ of fieri facias on February 9, 2024; however, the court ordered the parties to resolve the respondent's outstanding motions, and the writ was never executed. On July 16, 2024, the trial court granted the respondent a suspensive appeal. The respondent failed to post the required bond, and the court converted the appeal to a devolutive appeal. According to the writ application, that devolutive appeal remains pending.

On February 19, 2026, the trial court granted the relator's motion to substitute as proper party plaintiff after the relator demonstrated it is a

successor-in-interest. *See* La. C.C.P. art. 807. On the same date, the trial court signed a second order converting the respondent's pending suspensive appeal to a devolutive appeal. On February 23, 2026, the respondent filed a motion to appeal the February 19, 2026 rulings, claiming the underlying debt had been rescinded and asserting there is no underlying debt or security interest in the property. On March 31, 2026, the trial judge signed an order granting a suspensive appeal from the "final judgments" entered on February 19, 2026, and set the appeal bond at \$400.00. Also on February 23, 2026, the respondent filed a motion for reconsideration of the February 19, 2026 rulings, alleging he became ill during the hearing and could not fully participate. On March 31, 2026, the trial judge signed a separate order setting the respondent's motion for reconsideration for June 18, 2026, and ordering that "all proceedings be stayed until hearing."

On March 4, 2026, the relator filed a motion for sanctions against the respondent. The trial court set this motion for hearing on June 18, 2026.

On April 30, 2026, the relator filed a notice of intent to seek review of the trial court's March 31, 2026 orders that (1) set a contradictory hearing on the respondent's pleading styled as "Motion for Reconsideration/Set Aside Orders Signed/And New Hearing" with respect to the orders entered on February 19, 2026, and (2) granted a suspensive appeal of those same February 19 orders with the appeal bond set at only \$400.00.

ANALYSIS

Ex Parte Stay

The trial court erred in issuing an *ex parte* stay of all proceedings without a contradictory hearing. An *ex parte* motion may only be issued when the mover is clearly entitled to the relief sought. La. C.C.P. art. 963.

When the mover is not clearly entitled to the requested order, or when the motion requires supporting proof, Article 963 mandates that the motion “shall be served on and tried contradictorily with the adverse party.” La. C.C.P. art. 963. A stay of all proceedings in a foreclosure action that has been pending since 2007 is not an order to which the respondent was clearly entitled without supporting proof. This Court has consistently held that a trial court errs when it rules on a contested motion *ex parte* rather than setting the matter for contradictory hearing. *See Renaudin v. Bosworth*, 23-499 (La. App. 5 Cir. 8/14/24), 398 So.3d 139. As this Court recognized in *Renaudin*, “Underlying La. C.C.P. art. 963 and Local Rule 9.8 is a fundamental tenet of our justice system: the protection of a litigant’s right to notice and an opportunity to be heard.” *Id.* at 142. Accordingly, we vacate the order granting the stay and direct the trial court to hold a contradictory hearing on the motion for stay within five days of this writ disposition.

Suspensive Appeal of Interlocutory Order

The trial court erred in granting a suspensive appeal of the February 19, 2026 order that granted the relator’s motion to substitute as proper party plaintiff. An order granting a motion to substitute a party under Louisiana Code of Civil Procedure article 807 does not determine the merits of the action. Under article 1841, a judgment that does not determine the merits but addresses only preliminary matters is an interlocutory judgment. La. C.C.P. art. 1841. An interlocutory judgment is appealable “only when expressly provided by law.” La. C.C.P. art. 2083(C). There is no statute that expressly authorizes an appeal from an order granting substitution of parties. The February 19, 2026 substitution order is therefore an interlocutory judgment

from which no appeal lies. We vacate the order granting the respondent's suspensive appeal. This renders the \$400.00 appeal bond moot.

Validity of the Reformed Judgment

The January 22, 2018 "Reformed Judgment" is a valid final judgment.

The relator may take any and all steps necessary to enforce it.

DECREE

For the foregoing reasons, we vacate the March 31, 2026 orders and remand this matter to the trial court for proceedings consistent with this disposition.

Gretna, Louisiana, this 22nd day of May, 2026.

JJM
FHW
SUS

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



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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
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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 **05/22/2026** 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-220

E-NOTIFIED

40th District Court (Clerk)
Honorable Vercell Fiffie (DISTRICT JUDGE)
Conor T. Lutkewitte (Relator)
John M. Theriot (Relator)

MAILED

Jamie P. Labranche (Respondent)
In Proper Person
2173 Carmel Valley Drive
LaPlace, LA 70068