STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

JEFF MERCER, L.L.C. NO. 2026 CW 1000

VERSUS

AUSTIN BRIDGE AND ROAD, LP, FEDERAL INSURANCE COMPANY, FIDELITY AND DEPOSIT COMPANY OF MARYLAND, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, ZURICH AMERICAN INSURANCE COMPANY AND STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

OCTOBER 30, 2026

In Re: Jeff Mercer, LLC, applying for rehearing, 19th Judicial District Court, Parish of East Baton Rouge, No. 615815.

BEFORE: THERIOT, PENZATO, GREENE, EDWARDS, AND BALFOUR, JJ.

APPLICATION FOR REHEARING DENIED.

MRT
AHP
HG
KEB

Edwards, J., dissents and would grant the application for rehearing. Pursuant to La. Code Civ. P. art. 2088(A)(5), the trial court retains jurisdiction to "[t]est the solvency of the surety on the appeal bond as of the date of its filing or subsequently, consider objections to the form, substance, and sufficiency of the appeal bond, and permit the curing thereof, as provided in Articles 5123, 5124, and 5126." This is not a matter reviewable under appeal so as to divest the trial court of jurisdiction. Because the bond did not exceed one hundred fifty percent of the amount of the money judgment, I find the trial court did not err in its ruling.

COURT OF APPEAL, FIRST CIRCUIT

DEPUTY CLERK OF COURT
FOR THE COURT