

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

LEON SMITH

NO. 2026 CW 0963

VERSUS

DAVITA RX, LLC D/B/A DAVITA
EAST BATON ROUGE DIALYSIS

SEPTEMBER 18, 2026

In Re: ISD Renal, Inc. d/b/a East Baton Rouge Dialysis,
applying for supervisory writs, 19th Judicial District
Court, Parish of East Baton Rouge, No. 709477.

BEFORE: PENZATO, LANIER, AND FIELDS, JJ.

WRIT GRANTED. The trial court's order setting a contradictory hearing on the ex parte motion for abandonment filed by defendant, ISD Renal, Inc. d/b/a East Baton Rouge Dialysis, and the trial court's June 9, 2026 judgment denying defendant's motion, are vacated. Louisiana Code of Civil Procedure article 561 contains no provision to set a contradictory hearing on an ex parte motion to dismiss for abandonment. See **Hancock Bank of Louisiana v. Robinson**, 2020-0791 (La. App. 1st Cir. 3/11/21), 322 So.3d 307 (finding that it is improper for the trial court to set a motion to dismiss on the basis of abandonment for contradictory hearing instead of signing an order of dismissal ex parte as required by La. Code Civ. P. art. 561). Accordingly, this matter is remanded to the trial court with instructions to rule on defendant's motion in accordance with La. Code Civ. P. art. 561.

AHP
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WEF

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT