

LOUISIANA COURT OF APPEAL, FIRST CIRCUIT

The Lathan Company v. State of Louisiana, Department of Education

Lathan · No. 2026 CW 0545 · Decided June 17, 2026

SUMMARY

The Louisiana Court of Appeal, First Circuit denied The Lathan Company, Inc.'s application for supervisory writs in litigation involving the Louisiana Department of Education, the Recovery School District, and related parties. Judge Balfour dissented, concluding that the reasonableness of the defendant's conduct under the Louisiana Unfair Trade Practices Act presented a jury question that should not ordinarily be resolved by summary judgment.

CASE DETAILS

COURT	Louisiana Court of Appeal, First Circuit
WRITING FOR THE COURT	Wolfe, J.; Hester, J.; Balfour, J.
JURISDICTION	Louisiana Court of Appeal, First Circuit
DECIDED	June 17, 2026
DOCKET	2026 CW 0545
DISPOSITION	writ_denied
PROCEDURAL POSTURE	The Lathan Company applied for supervisory writs from the Nineteenth Judicial District Court in consolidated proceedings involving the Louisiana Department of Education, the Recovery School District, and related parties. The Louisiana Court of Appeal, First Circuit denied the writ.
PRECEDENTIAL VALUE	Unknown
PARTIES	The Lathan Company, Inc. v. State of Louisiana, Department of Education, Recovery School District, John White, in his official capacity as the State of Louisiana Superintendent of Education

TOPICS

- writ of certiorari
- appellate procedure
- summary judgment
- consumer protection
- construction law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should grant The Lathan Company's application for supervisory writs in the consolidated proceedings.
2. Whether the underlying Louisiana Unfair Trade Practices Act issue concerning the reasonableness of the defendants' acts and conduct was suitable for resolution by summary judgment.

KEY QUOTATIONS

“WRIT DENIED.”

“The underlying question in any unfair trade practices case is whether the defendant’s acts and conduct were reasonable.”

“Issues that require the determination of reasonableness of acts and conduct of parties under all facts and circumstances of the case cannot ordinarily be disposed of by summary judgment.”

“In the instant case, I find that a jury is the proper party to measure the reasonableness of the defendant’s acts and conduct under the Louisiana Unfair Trade Practices Act.”

FACTUAL BACKGROUND

The dispute concerns alleged unfair trade practices arising from conduct by the State of Louisiana, Department of Education, and the Recovery School District in connection with The Lathan Company's underlying matter. The opinion provides no detailed factual findings. The dissent characterizes the dispositive issue as whether the reasonableness of the defendants' acts and conduct under the Louisiana Unfair Trade Practices Act could be resolved by summary judgment rather than by a jury.

PROCEDURAL HISTORY

The matter arose from consolidated proceedings in the Nineteenth Judicial District Court, Parish of East Baton Rouge, docket numbers 612067 and 635780. The Lathan Company sought supervisory review in the court of appeal, which denied the writ. Judge Balfour dissented and would have granted the writ, concluding that a jury should determine the reasonableness of the defendants' conduct under the Louisiana Unfair Trade Practices Act.

DISPOSITION

writ_denied

CASES CITED

- Balthazar v. Hensley R. Lee Contracting, Inc., 2016-0920 (La. App. 4th Cir. 3/15/17), 214 So. 3d 1032, 1043, writ denied, 2017-0777 (La. 9/22/17), 228 So. 3d 741
- Greater Lafourche Port Commission v. James Construction Group, L.L.C., 2011-1548 (La. App. 1st Cir. 9/21/12), 104 So. 3d 84, 88

OPINION

The Lathan Company v. State of Louisiana, Department of Education
PER CURIAM.

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

THE LATHAN COMPANY NO. 2026 CW 0545

VERSUS

STATE OF LOUISIANA,

DEPARTMENT OF EDUCATION,

RECOVERY SCHOOL DISTRICT,

AND JOHN WHITE IN HIS

OFFICIAL CAPACITY AS THE

STATE OF LOUISIANA

SUPERINTENDENT OF EDUCATION

CONSOLIDATED WITH

GUARANTEE COMPANY OF NORTH

AMERICA

VERSUS

STATE OF LOUISIANA,

DEPARTMENT OF EDUCATION,

RECOVERY SCHOOL DISTRICT JUNE 17, 2026

In Re: The Lathan Company, Inc., applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 612067 c/w 635780. BEFORE : WOLFE, HESTER, AND BALFOUR, JJ. WRIT DENIED. EW

CHH

Balfour, J., dissents and would grant the writ. The underlying question in any unfair trade practices case is whether the defendant's acts and conduct were reasonable. Balthazar v. Hensley R. Lee Contracting, Inc., 2016-0920 (La. App 4th Cir. 3/15/17), 214 So.3d 1032, 1043, writ denied, 2017-0777 (La. 9/22/17), 228 So.3d 741. Issues that require the determination of reasonableness of acts and conduct of parties under all facts and circumstances of the case cannot ordinarily be disposed of by summary judgment. Greater Lafourche Port Comm'n v. James Const. Grp., L.L.C., 2011-1548 (La. App. 1st Cir. 9/21/12), 104 So.3d 84, 88. In the instant case, I find that a jury is the proper party to measure the reasonableness of the defendant's acts and conduct under the Louisiana Unfair Trade Practices Act.

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DEPUTY CLERK OF COURT

\) FOR THE COURT

