

Judgment rendered June 26, 2013.  
Application for rehearing may be filed  
within the delay allowed by art. 2166,  
La. C.C.P.

No. 48,172-CA

COURT OF APPEAL  
SECOND CIRCUIT  
STATE OF LOUISIANA

\* \* \* \* \*

ROBERTA STEELE EUNSON

Plaintiff-Appellant

Versus

CMC FORESTRY, L.L.C., WENDELL  
KING, DELTA TIMBER CO., L.L.C.,  
AND REGAN CAMPBELL

Defendant-Appellee

\* \* \* \* \*

Appealed from the  
Third Judicial District Court for the  
Parish of Union, Louisiana  
Trial Court No. 45,151

Honorable R. Wayne Smith, Judge

\* \* \* \* \*

NELSON, ZENTNER, SARTOR &  
SNELLINGS, LLC

By: Fred Williams Sartor, Jr.  
Allison M. Jarrell

Counsel for  
Appellant

COOK, YANCEY, KING & GALLOWAY  
By: Brian A. Homza

Counsel for  
Appellee

\* \* \* \* \*

Before BROWN, STEWART and DREW, JJ.

**DREW, J.:**

Roberta Eunson filed suit against certain Arkansas residents and limited liability companies, seeking treble damages under La. R.S. 3:4278.1 and 3:4278.2, as well as damages for the violation of a timber cutting agreement. Long-arm citations to all defendants were issued by the clerk of court on the date the petition was filed.

Regan Campbell filed exceptions of insufficiency of service and citation. He attached a proposed dispositive order, without provision for setting a hearing. As happens to most trial judges during a career, the order was inadvertently signed.

Eunson has appealed, arguing that she should have been given the opportunity to oppose the exceptions prior to their being granted. Campbell concedes that the order should not have been signed.

**DISCUSSION**

The exceptions of insufficiency of citation and service of process are declinatory exceptions and must be tried before trial.<sup>1</sup> Moreover, once the exceptions were sustained, Eunson had the right to remove the grounds pled in the exceptions.

**DECREE**

At Campbell's cost, we vacate the judgment below and remand for trial on the exception, or for Campbell to withdraw his exceptions, if now satisfied.

VACATED AND REMANDED.

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<sup>1</sup>La. C.C.P. art. 925.