

**STATE OF LOUISIANA
COURT OF APPEAL, SECOND CIRCUIT
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700**

No. 57,069-CW

KEISHA TOSTON, INDIVIDUALLY, AND
ON BEHALF OF HER MINOR DECEASED
CHILD, TAVORIOUS HOPKINS, JR., AND
ON BEHALF OF HER MINOR CHILD
KEARRI POWELL (CHILD IN UTERO, LATER BORN)

VERSUS

THE TRAVELERS INDEMNITY COMPANY,
CONDREY FARMS, BRAD LINGFELT
SCOTTSDALE INSURANCE COMPANY
MJSC PROFESSIONAL, LLC AND
JOHN VAUGHN, JR.

FILED: 05/01/26

RECEIVED: E-FILED 04/30/26

On application of Keisha Toston, Tavorious Hopkins, Jr., and Kearri Powell for SUPERVISORY WRIT in No. 23811 on the docket of the Sixth Judicial District, Parish of EAST CARROLL, Judge Angela Lynn Claxton.

BRUSCATO LAW FIRM
John F. Bruscato
Eric Michael Mahaffey

Counsel for:
Keisha Toston, Tavorious Hopkins,
Jr., and Kearri Powell

HUDSON POTTS & BERNSTEIN
Jay P. Adams
Sara G. White

Counsel for:
Louisiana Department of
Transportation and Development

In Proper Person

Larry Wayne Arledge

Before THOMPSON, HUNTER, and MARCOTTE, JJ.

**WRIT GRANTED; REMANDED WITH INSTRUCTIONS AND FOR
PERFECTION OF APPEAL.**

The applicant, Keisha Toston, individually and on behalf of her minor deceased child, Tavorious Hopkins, Jr., and on behalf of her minor child Kearri Powell (child in utero, later born), seeks review of the trial court's judgment of March 30, 2026, sustaining the Declinatory Exception of Insufficiency of Citation and Service of Process on Behalf of the State of Louisiana through the Department of Transportation and Development. The trial court sustained the exception and

signed a judgment “dismissing the Plaintiffs’ claims.” However, La. C.C.P. art. 1672 (C) requires the trial court to render a “judgment dismissing an action without prejudice” as to “a person named as a defendant for whom service has not been requested,” upon the sustaining of a declinatory exception filed by such defendant. Therefore, pursuant to La. C.C.P. art. 1915(A), this ruling is a final, appealable judgment. The applicant’s notice of intent to seek supervisory review was timely as a motion for appeal, and under *Shows v. Shows*, 434 So. 2d 1090 (La. 1983), the trial court’s order setting the return date is hereby treated as an order of appeal.

As noted, the trial court’s ruling does not contain proper decretal language expressly indicating the effect of the relief awarded. The trial court is instructed to amend the judgment, in accordance with La. C.C.P. arts. 1918 and 1951, for inclusion in the record to be lodged on appeal.

Accordingly, this writ is granted, and the matter is remanded to the trial court with instructions to amend the judgment and for perfection of an appeal.

Shreveport, Louisiana, this 20 day of May, 2026.

 Cem JRT MLH

FILED: May 20, 2026

 Molly Melton

DEPUTY CLERK