

04/05/2010 "See News Release 024 for any Concurrences and/or Dissents.

SUPREME COURT OF LOUISIANA

No. 09-C-2637

ULYSSES WILLIAMS

VERSUS

**THE ORLEANS LEVEE DISTRICT AND ITS BOARD OF
COMMISSIONERS, ET AL**

**ON APPLICATION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEAL
FOURTH CIRCUIT, PARISH OF ORLEANS**

O R D E R

WRIT GRANTED. The decision of this Court in *Forum for Equality PAC v. McKeithen*, 04-2551 (La. 1/19/05), 893 So.2d 738, is controlling. In *Forum for Equality*, this Court held that the preclusive effect of an earlier judgment could bind a nonparty plaintiff whose interests were adequately represented by parties to the prior litigation. The Court found no error in the district court ruling granting the defendants' exception of *res judicata* as to the plaintiffs' claim that the September 18, 2004 election was not a statewide election because that issue had been previously litigated by different plaintiffs in a case that was now final.

The lower courts' view that the *Forum for Equality* case was not applicable in this case, overlooked the critical fact that the preclusive effect of the previous judgment is not being used **against** a nonparty to the litigation. The respondent is not being precluded from contesting a matter that he has not had full and fair opportunity to litigate. To the contrary, the respondent was a party to the litigation in which it was determined that he was fired for cause. *Williams v. Orleans Levee District, Bd. of Com'rs.*, 00-0297 (La. App. 1 Cir. 3/28/01), 784 So.2d 657. The

principle of issue preclusion is being applied in this case as intended, to protect against “the expense and vexation attending multiple lawsuits, conserv[e] judicial resources, and foste[r] reliance on judicial action by minimizing the possibility of inconsistent decisions.” *Taylor v. Sturgell*, 553 U.S. 880, 121 S.Ct. 2161, 2171, 171 L.Ed.2d 155 (2008) (citation omitted).

Accordingly, we find the lower courts erred in denying relator’s exception of *res judicata* insofar as it applied to claims raised against it that were resolved by the First Circuit litigation which determined that respondent was lawfully terminated for insubordination. *Williams v. Orleans Levee District, Bd. of Com’rs.*, 00-0297 (La. App. 1 Cir. 3/28/01), 784 So.2d 657. The trial court judgment denying relator’s exception of *res judicata* is reversed, as is the court of appeal decision affirming that ruling, and the case is remanded to the trial court for further proceedings consistent with the views expressed herein.