

SUPREME COURT OF LOUISIANA

NO. 98-CA-0030

ALFRED BUCKLEY AND LORRAINE BUCKLEY

vs.

GERARD SPRULL AND CITY OF BATON ROUGE/
PARISH OF EAST BATON ROUGE

ON APPEAL FROM THE NINETEENTH JUDICIAL DISTRICT COURT,
PARISH OF EAST BATON ROUGE, THE HONORABLE
BOB DOWNING, PRESIDING JUDGE

PER CURIAM*

The City of Baton Rouge and Parish of East Baton Rouge appeal directly to this court pursuant to La. Const. Art. V, §5(D) from a ruling of the district court declaring La. R.S. 13:5105(C), La. R.S. 13:5105(D) and City/Parish Resolution 36859 unconstitutional.

For the reasons assigned in Kimball v. Allstate Ins. Co., 97-2885 c/w 97-2956 (La. 4/14/98), ___ So. 2d ___, the judgment of the district court declaring La. R.S. 13:5105(C) unconstitutional is affirmed. The judgment of the district court declaring La. R.S. 13:5105(D) and City/Parish Resolution 36859 unconstitutional is reversed, and the case is remanded to the district court for further proceedings.

* Johnson, J., not on panel. Rule IV., Part 2, §3.