

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2008 CA 2381

BELLE COMPANY, LLC

VERSUS

CBW
AG
STATE OF LOUISIANA, THROUGH THE DEPARTMENT OF ENVIRONMENTAL QUALITY, ASSUMPTION PARISH, MIKE MCDANIEL AND CHUCK CARR BROWN

Judgment Rendered: June 12, 2009

**Appealed from the
Nineteenth Judicial District Court
In and for the Parish of East Baton Rouge, Louisiana
Docket Number C559014**

Honorable Timothy E. Kelley, Judge Presiding

**Ross A. Brupbacher
Robert R. Broussard
Lafayette, LA**

**Counsel for Plaintiff/Appellant,
Belle Company, LLC**

**James P. Dore'
Alan J. Berteau
Baton Rouge, LA**

**Counsel for Defendant/Appellee,
Assumption Parish Police Jury**

**Stephen J. Oats
Patrick B. McIntire
Gordon Square
Lafayette, LA
and
Elliott Vega
Roger K. Ward
Baton Rouge, LA**

**Counsel for Defendants/Appellees,
State of Louisiana, through the
Department of Environmental
Quality, Mike McDaniel, and
Chuck Carr Brown**

BEFORE: CARTER, C.J., WHIPPLE AND DOWNING, JJ.

Downing, J. dissents

WHIPPLE, J.

This appeal arises from a suit by Belle Company, LLC, (Belle) against Assumption Parish, seeking declaratory judgment and damages for inverse condemnation pursuant to LSA-Const. art. I, sec. 4, based on the Assumption Parish Police Jury's passage of certain ordinances allegedly designed to thwart Belle's ability to operate a solid waste landfill on its property in Assumption Parish. Assumption Parish filed exceptions of res judicata, lis pendens, and prematurity. From the trial court's judgment granting the exception of res judicata and dismissing with prejudice all of Belle's claims against Assumption Parish, Belle appeals. For the following reasons, we affirm.

FACTS AND PROCEDURAL HISTORY

On September 7, 2007, Belle filed the instant suit against Assumption Parish and the Louisiana Department of Environmental Quality (DEQ) for declaratory relief and damages in regard to its application for a permit to construct and operate a Type I and Type II solid waste landfill in Assumption Parish.¹ The instant appeal involves Belle's claims against Assumption Parish.

In October 1994, Belle filed an application with the DEQ for the permit at issue, but as of the filing of the instant lawsuit on September 7,

¹In its original petition, Belle also named as defendants Mike McDaniel, in his official capacity as Secretary of DEQ, and Chuck Carr Brown, in his official capacity as Assistant Secretary of DEQ. However, in its first amended petition, Belle amended the original petition to list the named defendants as only the DEQ and Assumption Parish. Belle's claims against the DEQ involved the DEQ's alleged wrongful refusal to issue the Type I and Type II sanitary landfill permit to Belle. These claims are the subject of the related appeal of Belle Company, LLC v. State of Louisiana, through the Department of Environmental Quality, 2008 CA 2382, which is also handed down this date.

2007, the application for the permit was still unresolved.² In its petitions herein, Belle contended in part that the actions of the Assumption Parish Police Jury in passing certain land-use ordinances were an unlawful attempt to thwart Belle's permit application.

Specifically, Belle alleged that on September 28, 1994, after receiving public notice of Belle's intent to apply for a Type I and Type II sanitary landfill permit, Assumption Parish, acting through its police jury, enacted Ordinance 94-07, establishing siting requirements for waste disposal facilities.³ According to the petition, in October 1995, Assumption Parish subsequently amended Ordinance 94-07 by adopting Ordinance 95-11, to require that no operational cell of a waste disposal facility be placed within **one-half** mile of an inhabited residence or within **two** miles of a hospital or school.

Belle further alleged that in August 1997, Assumption Parish adopted Ordinance 97-15 to amend and reenact Ordinances 94-07 and 95-11, to also

²Belle's permit application underlying the instant suit has had a protracted procedural history and has been the subject of two reported decisions of this court. See In re Belle Company, LLC, 2006-1077 (La. App. 1st Cir. 12/28/07), 978 So. 2d 977, writs denied, 2008-0220, 2008-0229 (La. 3/24/08), 977 So. 2d 957, 958, and In re Belle Company, LLC, 2000-0504 (La. App. 1st Cir. 6/27/01), 809 So. 2d 225. Essentially, although the DEQ initially granted the permit on August 15, 1997, the DEQ's decision to issue the permit was subsequently reversed on appeal, and the matter was remanded to the DEQ for further proceedings on the issue of Belle's compliance with LSA-R.S. 30:2157. Nonetheless, on remand, the DEQ discontinued review of the permit application on the basis that it needed further information, *i.e.*, compliance with any wetlands determination and existing land use requirements, which was unrelated to the issue for which the matter was remanded. In re Belle Company, LLC, 809 So. 2d at 245. Subsequently, however, in December 2007, this court ordered that a writ of mandamus be issued, directing the DEQ to render a final decision on Belle's application and to do so within 30 days of the finality of the court's opinion. In re Belle, LLC, 978 So. 2d at 986.

While not documented in the record before us, both parties acknowledge in brief that the DEQ ultimately issued the requested permit in July 2008. A more complete recitation of the background facts and procedural history are set forth in this court's prior reported opinions cited above and in the companion case of Belle Company, LLC v. State of Louisiana, through the Department of Environmental Quality, 2008 CA 2382, also handed down this date.

³Although the ordinance was apparently enacted shortly before Belle filed the application for a solid waste landfill permit at issue herein, Belle contended in its amended petition that Ordinance 94-07 did not take effect until after Belle filed its permit application.

require a showing relative to emergency response standards, as set forth in LSA-R.S. 30:2157. Finally, according to Belle, Assumption Parish enacted Ordinance 05-01 in January 2005, approximately eleven years after Belle filed its permit application, to provide that no operational cell of a waste disposal facility be placed within two miles of an inhabited residence or within four miles of a hospital or school. Belle asserted that Ordinance 05-01 was Assumption Parish's most current pronouncement on the subject and reenacted or superseded Ordinances 94-07, 95-11, and 97-15.

Belle contended that while the siting criteria in Ordinance 95-11, requiring that no operational cell of a waste disposal facility be placed within one-half mile of an inhabited residence or within two miles of a hospital or school, did not affect its permit application, the criteria set forth in Ordinance 05-01, requiring that no operational cell of a waste disposal facility be placed within **two** miles of an inhabited residence or within **four** miles of a hospital or school, was designed to "effectively destroy Belle's right to its [p]ermit and to Belle's unfettered free use of its property."

With regard to Ordinances 94-07, 95-11, 97-15, and 05-01, Belle contended that these ordinances had no retroactive effect on its permit application because they each created substantive changes in the law. Belle further contended that, pursuant to LSA-R.S. 33:1236.6, Assumption Parish was statutorily prohibited from regulating the Type I and Type II solid waste at issue in Belle's permit application.⁴ Additionally, Belle contended that the ordinances were preempted by LSA-R.S. 30:2003, LSA-R.S. 30:2011,

⁴Louisiana Revised Statute 33:1236.6(A) grants Assumption Parish the power, authority, and jurisdiction, concurrent with state agencies with the same jurisdiction, to enact ordinances to regulate, control, or prohibit the disposal of industrial waste in certain circumstances. However, Belle contended in its petitions that subsection (B) of the statute limited the definition of the term "industrial waste" in such a way as to prohibit Assumption Parish from regulating the solid waste at issue in its permit application.

LSA-R.S. 30:2154(B)(5)(a), and applicable provisions of the Louisiana Administrative Code.⁵

Moreover, Belle contended that, while LSA-R.S. 33:4780.42 establishes criteria whereby parishes such as Assumption Parish may promulgate regulations in accordance with a “comprehensive land use or zoning plan,” Assumption Parish had no such comprehensive land use or zoning plan in effect at the time these ordinances were enacted. Accordingly, Belle contended, the ordinances were unlawful on their face.

Thus, for the foregoing reasons, Belle sought declaratory judgment, declaring that Ordinances 94-07, 95-11, 97-15, and 05-01 were inapplicable to Belle’s permit application.⁶

In addition to its claims for declaratory judgment relief, Belle also contended that the enactment of the ordinances at issue violated its property rights protected by LSA-Const. art. I, sec. 4(B), which provides that “[e]very person has the right to acquire, own, control, use, enjoy, protect, and dispose of private property.”⁷ Belle averred that Ordinance 05-01, if applied to Belle, would prohibit the placement of a solid waste landfill on its property in Assumption Parish. Thus, it contended that Assumption Parish’s actions in passing the ordinances, particularly Ordinance 05-01, were tantamount to an inverse condemnation of Belle’s property.⁸ Accordingly, Belle sought

⁵Louisiana Revised Statutes 30:2003, 30:2011, and 30:2154 set forth the need for comprehensive policies on a statewide basis regarding the environment in Louisiana; create the DEQ; and establish the powers and duties of the DEQ, including the duty to establish rules governing the procedure for selecting solid waste application sites.

⁶Belle further sought declaratory judgment, declaring that the condition imposed on it by the DEQ by letter dated September 20, 2005, requiring documentation that the proposed use did not violate existing land use requirements, was inapplicable to its permit application.

⁷Subsection (B) of article I, section 4 of the Louisiana Constitution was amended by Acts 2006, No. 851. However, the above-quoted provision remained unchanged.

⁸Belle contended that the enacting of Ordinance 05-01 violated both its rights to acquire, own and use its landfill **permit** and its rights to acquire, own, control, use, enjoy, protect, and dispose of its **land**. Belle also contended that the conduct of Assumption

damages for loss of the value of the permit, loss of revenue associated with the permit, and other damages associated with the alleged violation of its constitutionally protected rights to acquire, own, control, use, enjoy, protect, and dispose of its land, the landfill, and its permit property interest.

Assumption Parish responded to Belle's petitions by filing exceptions of res judicata, lis pendens, and prematurity. With regard to the exception of res judicata, Assumption Parish noted that on May 16, 2007, Belle had filed a lawsuit against Assumption Parish and the Assumption Parish Police Jury in the United States District Court for the Eastern District of Louisiana, bearing docket number 07-2895 (the federal court action), involving the same parties and the same cause of action as the present case. Assumption Parish further contended that a final judgment on the merits in the federal court action had been entered, dismissing Belle's lawsuit **with prejudice**, thereby barring these claims in the instant suit.

In support of its exception of lis pendens, Assumption Parish noted that Assumption Parish People's Environmental Action League (APPEAL) had filed a petition for review with the district court, seeking reversal of the DEQ's original decision to grant Belle's permit application. The DEQ's decision to grant the permit was ultimately reversed, and the matter was remanded to the DEQ for further proceedings. See In re Belle Company, 2000-0504 (La. App. 1st Cir. 6/27/01), 809 So. 2d 225. Assumption Parish contended that after remand to the DEQ, Belle had filed a petition of writ of

Parish in passing the ordinances at issue violated its Louisiana Constitutional rights to due process and equal protection.

While Belle, in its petitions, relied primarily upon Louisiana Constitution art. I, sec. 4 in asserting its inverse condemnation claim, it also contended that Assumption Parish had violated its Louisiana and United States Constitutional rights. The language of both the Fifth Amendment of the United States Constitution and of art. I, sec. 4 of the Louisiana Constitution provides that private property shall not be taken for public use without just compensation.

mandamus in that proceeding on September 22, 2005, seeking issuance of the permit, and that Assumption Parish had intervened in that proceeding on December 8, 2005. According to Assumption Parish, while there were incidental parties named in that action who were not parties to the present action, the “transaction or occurrence” at issue in that proceeding was the same “transaction or occurrence” at issue in the present suit.

Alternatively, with regard to its exception of prematurity, Assumption Parish contended that while Belle had asserted a “takings” claim under the United States and Louisiana constitutions, any such claim was premature until such time as: Belle had applied to the Assumption Parish Police Jury for a permit pursuant to the ordinances at issue; the permit application was denied; and an appeal of that denial had been pursued. Thus, Assumption Parish contended, because Belle had failed to allege or show that any such application had been made, its takings claim was premature.

Following a hearing on the exceptions, the trial court rendered judgment, maintaining Assumption Parish’s exception of res judicata and dismissing with prejudice all claims of Belle against Assumption Parish.⁹ From this judgment, Belle appeals, contending that the trial court erred in maintaining Assumption Parish’s exception of res judicata despite the fact that Belle did not possess a viable cause of action for inverse condemnation at the time Assumption Parish sought to have the federal district court action dismissed and despite the fact that Belle arguably still does not possess an

⁹In oral reasons for judgment, the court stated that its maintaining of the exception of res judicata rendered the exceptions of lis pendens and prematurity moot.

inverse-condemnation cause of action against Assumption Parish.¹⁰

DISCUSSION

When a state court is required to determine the preclusive effects of a judgment rendered by a federal court exercising federal question jurisdiction, it is the federal law of res judicata that must be applied. Reeder v. Succession of Palmer, 623 So. 2d 1268, 1271 (La. 1993); Rochon v. Whitley, 96-0835 (La. App. 1st Cir. 2/14/97), 691 So. 2d 189, 192. The rules of res judicata encompass two separate, but linked preclusive doctrines: (1) true res judicata or claim preclusion; and (2) collateral estoppel or issue preclusion. St. Paul Mercury Insurance Co. v. Williamson, 224 F.3d 425, 436 (5th Cir. 2000). Res judicata will bar a subsequent suit if there has been a previous litigation: (1) involving the same claim; (2) between the same parties or their privies; and (3) which resulted in a final judgment on the merits by a court of competent jurisdiction. In re Howe, 913 F.2d 1138, 1143-1144 (5th Cir. 1990); Andrepoint v. Andrepoint, 97-1643 (La. App. 3rd Cir. 4/1/98), 711 So. 2d 759, 761-762.

Under federal precepts, “claim preclusion” or “true res judicata,” which is the relevant principle herein, treats a judgment, once rendered, as the full measure of relief to be accorded between the same parties on the same “claim” or “cause of action.” When the plaintiff obtains a judgment in his favor, his claim “merges” in the judgment; he may seek no relief on that claim in a separate action. Conversely, when a judgment is rendered for a defendant, the plaintiff’s claim is extinguished; the judgment then acts as a

¹⁰In two additional assignments of error, Belle challenges the trial court’s June 27, 2008 judgment, maintaining the exceptions of no cause of action and, alternatively, prescription filed by the DEQ. However, that judgment is the subject of the related appeal in Belle Company, LLC v. State of Louisiana, through the Department of Environmental Quality, 2008 CA 2382, and those additional assignments of error are addressed therein.

“bar.” Reeder, 623 So. 2d at 1271, citing Kaspar Wire Works, Inc. v. Leco Engineering & Mach., 575 F.2d 530 (5th Cir. 1978).

Additionally, under the rules of claim preclusion, the effect of a judgment extends to the litigation of all issues relevant to the same claim between the same parties, whether or not raised at trial. The aim of claim preclusion is thus to avoid multiple suits on identical entitlements or obligations between the same parties, accompanied, as they would be, by the redetermination of identical issues of duty and breach. Reeder, 623 So. 2d at 1271. With regard to the definition of a “claim” or “cause of action” in connection with the application of res judicata, the clear trend in federal jurisprudence has been towards the adoption of a “transactional analysis” as to what constitutes a claim. Thus, when a valid and final judgment rendered in an action extinguishes the plaintiff’s claim pursuant to the rules of “merger” or “bar,” the claim extinguished includes all rights of the plaintiff to remedies against the defendant with respect to all or any part of the transaction or series of transactions out of which the action arose. Reeder, 623 So. 2d at 1271-1272.

Res judicata further prohibits a plaintiff from asserting the same transactional facts under a different cause of action. Thus, the rule is that res judicata bars all claims that were or *could have been* advanced in support of the cause of action on the occasion of its former adjudication, not merely those that actually were adjudicated. Matter of Howe, 913 F.2d at 1144.

Nonetheless, a second suit will not be precluded if it asserts a cause of action that was not yet available when a decision was rendered in a previous suit, even though that cause of action may arise from the same transaction or series of transactions that gave rise to the first suit. See Apotex, Inc. v. Food and Drug Administration, 393 F.3d 210, 218 (D.C. Cir. 2004), and Everett

Plywood Corp. v. United States, 206 Ct. Cl. 244, 512 F.2d 1082, 1087 (1975).

In the instant case, there is clearly an identity of the parties in the present suit and the earlier federal court action. Moreover, the parties do not dispute that the judgment of dismissal in the federal court action constituted a final judgment on the merits of Belle's suit and was rendered by a court of competent jurisdiction. Thus, the question before us is whether Belle's claims against Assumption Parish in the instant suit were or could have been advanced in the federal court action.

With regard to Belle's claims for declaratory judgment against Assumption Parish in the instant suit, in its brief on appeal, Belle does not contend that the trial court erred in finding those claims barred by res judicata.¹¹ Rather, Belle's entire argument in brief focuses on its inverse condemnation claim against Assumption Parish. Accordingly, we address the issue of whether Belle's claims for inverse condemnation against Assumption Parish in the instant suit actually were or could have been advanced in the federal court action.

In support of its claim that the trial court erred in maintaining the exception of res judicata and dismissing its inverse condemnation claim against Assumption Parish, Belle contends that any cause of action against Assumption Parish sounding in **inverse condemnation** would have to be predicated on a "taking" by the parish of some vested property right, *i.e.*, a landfill permit. Belle further asserts that because Assumption Parish,

¹¹Indeed, its request for injunctive relief in the prior federal court action was clearly based on the same transaction or series of transactions and very similar allegations that the ordinances were unlawfully enacted, which supported its claim for declaratory judgment in the instant suit. Thus, we find no error in the trial court's obvious conclusion that the **declaratory judgment** claims should have been asserted in the prior federal court action.

through its police jury, has not yet rendered a final decision regarding the application of the ordinances at issue to Belle's landfill permit, Belle could not have "properly" brought an inverse condemnation claim against Assumption Parish in the federal court action (because such a claim would have been premature).¹²

Belle further argues that its claim in the instant suit for inverse condemnation does not arise from the same transaction or nucleus of operative facts as did its claims in the federal court action. Specifically, Belle contends that its claims in the federal court action stemmed from Assumption Parish's **enactment** of the ordinances at issue, whereas any claim against Assumption Parish for inverse condemnation would necessarily be based on Assumption Parish's actions in **applying** the ordinances to Belle's permit application.

The language of both the Fifth Amendment of the United States Constitution and of art. I, sec. 4 of the Louisiana Constitution provides that private property shall not be taken for public use without just compensation. Additionally, the Fifth Amendment's prohibition applies to the states through the Fourteenth Amendment of the United States Constitution. Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City, 473 U.S. 172, 175 n.1, 105 S. Ct. 3108, 3111 n.1, 87 L. Ed. 2d 126 (1985). A substantial interference with the free use and enjoyment of a protected property right may constitute a taking of property within the meaning of the federal and state constitutions. State, Department of Transportation and Development v. Chambers Investment Company, Inc., 595 So. 2d 598, 602 (La. 1992). The action for inverse condemnation is

¹²For these reasons, Belle additionally asserts that its inverse condemnation claim against Assumption Parish in the instant suit may also be premature.

available in cases whether there has been a taking or damaging of property where just compensation has not been paid, whether the property is corporeal or incorporeal. Chambers Investment Company, Inc., 595 So. 2d at 602.

In the federal court action, Belle brought suit against Assumption Parish and the Assumption Parish Police Jury pursuant to 42 U.S.C. §1983, claiming a violation of its federal constitutional rights and violations of Louisiana constitutional and statutory provisions and seeking an permanent injunction prohibiting Assumption Parish from the use and enforcement of Ordinances 94-07, 95-11, and 05-01 in any manner that may impede or interfere with Belle's establishment of a Type I and Type II landfill on its Assumption Parish property.¹³ Belle specifically contended that Assumption Parish, acting under color of law, "ha[d] enacted and **[wa]s enforcing**" against Belle Ordinance numbers 94-07, 95-11, and 05-01, which it collectively referred to as "the ordinance," and that the ordinance disqualified Belle's proposed landfill site as an acceptable landfill site.¹⁴ (Emphasis added). Belle further averred, in paragraph 13 of its complaint, that Assumption Parish's enactment of the ordinance and its "**actions in enforcement**" of the ordinance were adversely affecting its "[c]onstitutional right to use its property as defined and protected by the 5th and 14th Amendments to the Constitution of the United States and constitute[d] a 'taking' of [Belle's] property." (Emphasis added).

¹³Belle additionally prayed for attorney's fees and any other relief deemed "necessary and proper."

¹⁴Pursuant to Assumption Parish's motion to dismiss Belle's complaint, Belle's claims against Assumption Parish in the federal court action were dismissed with prejudice based on Belle's failure to state a claim. When evaluating a motion to dismiss for failure to state a claim, the court must presume that undisputed factual allegations in the complaint are true. Miree v. DeKalb County, Georgia, 433 U.S. 25, 27 n.2, 97 S. Ct. 2490, 2492 n.2, 53 L. Ed. 2d 577 (1977). Thus, Belle's allegation in its complaint that Assumption Parish was enforcing the ordinances against Belle would have been accepted as true.

Belle later amended paragraph 13 of its complaint in the federal court action to provide as follows:

Defendant's actions in the adoption and enforcement of an unlawful ordinance are interfering with and adversely affecting Petitioner's legal right to the use and control of its property. Furthermore, Defendant's actions were without proper notice and opportunity for a hearing, are irrational, illegal, arbitrary and oppressive and as such constitute a violation of petitioners [sic] due process rights protected by the 5th and 14th Amendments to the Constitution of the United States. (Emphasis added).

Accordingly, while Belle omitted the word "taking" from its amended petition, it nonetheless still asserted that Assumption Parish's actions in adopting and **enforcing** the ordinances in question **interfered with and adversely affected its legal right to the use and control of its property**, and, in addition to injunctive relief, it sought relief that the court may deem "necessary and proper."

Similarly, in the instant suit, Belle contended that the enactment of the ordinances at issue violated its property rights "to acquire, own, control, use, enjoy, protect, and dispose of private property," as protected by LSA-Const. art. I, sec. 4 and that Assumption Parish's actions were in violation of Belle's United States and Louisiana Constitutional rights.

At the outset, we find no merit to Belle's assertions herein that the federal court action involved only Assumption Parish's **enactment** of the ordinances at issue and, thus, did not arise from the same nucleus of facts as its present claim for inverse condemnation. Belle specifically alleged in the federal court action that Assumption Parish had enacted and was "**enforcing**" the ordinances at issue against it, thereby interfering with and

adversely affecting Belle's legal right to the use and control of its property.¹⁵

Moreover, while Belle is now contending herein that its takings claim against Assumption Parish could not have been "properly" advanced in the earlier federal court action (because it was premature), the record demonstrates that the claim of interference with its property rights by Assumption Parish **was** in fact advanced in the federal court action, as noted in the above-quoted portions of the federal complaint.¹⁶ Thus, regardless of whether the claim that Assumption Parish had interfered with Belle's property rights in its enactment and enforcement of the ordinances at issue should have been advanced in the federal court action (as potentially premature), this claim, in fact, **was** advanced and rejected.¹⁷ Accordingly, the federal court judgment of dismissal acted as an adjudication of that claim, and Belle's assertion of any other claim regarding that transaction or

¹⁵Additionally, while it asserts on appeal that its inverse condemnation claim in the instant suit hinges on the **enforcement** of the ordinances against it, the allegations in its petitions in the instant suit undisputedly again focus on the **enactment** of the ordinances.

¹⁶In the U.S. Supreme Court case of Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City, 473 U.S. 172, 105 S. Ct. 3108, 87 L. Ed. 2d 126 (1985), the plaintiff alleged a taking by a local planning commission based on the planning commission's application of various zoning laws and regulations to the plaintiff's property. The matter went to trial, and the jury awarded damages. The trial court then granted JNOV and, while finding a taking, reversed the monetary award. The federal appellate court reversed and remanded.

On review, the Supreme Court held that a claim that the application of government regulations effects a taking of a property interest is **not ripe until the government entity charged with implementing the regulations has reached a final decision regarding the application of the regulations to the property at issue.** Hamilton Bank, 105 S. Ct. at 3116. Because the plaintiff had not sought variances which could have allowed for the development of its property, the Court concluded that the claim was not ripe. Hamilton Bank, 105 S. Ct. at 3117.

Applying this rationale to the instant case, Belle's inverse condemnation claim against Assumption Parish (if such a claim is even viable in the law) arguably would not be ripe until Assumption Parish denied it a permit by applying the ordinances at issue against it. However, as noted above, Belle in fact alleged in its federal complaint that Assumption Parish was enforcing the ordinances against it, and that allegation would have had to be accepted as true by the federal district court in dismissing the complaint for failure to state a claim. Thus, the "ripeness" principles set forth in Hamilton Bank likewise provide no basis for relief herein, given the now final federal court judgment of dismissal.

¹⁷The rule of res judicata prevents a collateral review of the correctness of the federal court's ruling. See U.S.A., Internal Revenue Service v. Teal, 16 F.3d 619, 622 n.6 (5th Cir. 1994).

series of transactions or that nucleus of facts is now barred by the principles of res judicata. Reeder, 623 So. 2d at 1271-1272. Thus, we find no merit to Belle's argument that the trial court erred in maintaining Assumption Parish's exception of res judicata and dismissing, with prejudice, its claims against Assumption Parish.

CONCLUSION

For the above and foregoing reasons, the June 12, 2008 judgment of the district court dismissing Belle's claims against Assumption Parish is affirmed. Costs of this appeal are assessed against Belle Company, Inc.

AFFIRMED.