

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2010 CA 2337

INEZ R. HERRMANN

VERSUS

KENNETH J. HERNANDEZ

Judgment Rendered: June 10, 2011.

On Appeal from the
21st Judicial District Court,
In and for the Parish of Livingston,
State of Louisiana
Trial Court No. 128,609

The Honorable M. Douglas Hughes, Judge Presiding

Ronald W. Morrison, Jr.
New Orleans, La.

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Attorney for Defendant/Appellant,
Kenneth J. Hernandez

BEFORE: CARTER, C.J., GAIDRY AND WELCH, JJ.

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CARTER, C.J.

Defendant/appellant appeals a default judgment taken against him by plaintiff/appellee in a suit arising out of an alleged wrongful conversion of property.

The judgment granting the default judgment in the instant case was not signed by the judge who heard the case. A final judgment signed by a judge who did not preside over the trial is not an informality which may be corrected by the trial court under La. Code Civ. Proc. Ann. art. 2088(A)(4), but is instead a fatal defect. *Employers National Insurance Co. v. Workers' Compensation Second Injury Board*, 95-1756 (La. App. 1 Cir. 4/4/96); 672 So. 2d 309, 312. The judge who heard the evidence is the proper judge to sign the final judgment, except in limited circumstances as set forth in La. Rev. Stat. Ann. § 13:4209. *See Employers National Insurance Company*. Absent a valid, final judgment, this court lacks appellate jurisdiction to review this matter. *See* La. Code Civ. Proc. Ann. art. 2083; *Carter v. Williamson Eye Center*, 01-2016 (La. App. 1 Cir. 11/27/02); 837 So. 2d 43, 44.

For the foregoing reasons, the district court judgment appealed from is vacated by summary disposition in accordance with Uniform Rules Courts of Appeal, Rule 2-16.2.A(1). The assessment of the costs of this appeal is deferred until a final determination on the merits.

JUDGMENT VACATED, APPEAL DISMISSED.