

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2006 CA 1106

MARTINEZ-FOWLER, L.L.C.

VERSUS

ORLIN ROGERS d/b/a HAMMOND READY MIX, INC.

Judgment Rendered: March 23, 2007.

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On Appeal from the  
21st Judicial District Court  
in and for the Parish of Tangipahoa  
State of Louisiana  
Trial Court No. 2001-002872-A

The Honorable Wayne Ray Chutz, Judge Presiding

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Leonard E. Yokum, Jr.  
Hammond, La.

Counsel for Plaintiff/Appellant,  
Martinez-Fowler, L.L.C.

DeVan Pardue  
Springfield, La.

Counsel for Defendant/Appellee,  
Orlin Rogers d/b/a Hammond  
Ready Mix, Inc.

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

Handwritten signatures of Leonard E. Yokum, Jr. and DeVan Pardue. The signature of Leonard E. Yokum, Jr. is written in dark ink and is positioned above the signature of DeVan Pardue, which is written in a lighter ink.

**CARTER, C.J.**

Martinez-Fowler, L.L.C. appeals a trial court judgment dismissing its claims against the defendant for failing to comply with a discovery order. However, the record before us contains neither a transcription of the pertinent trial court proceedings nor any other relevant evidence.<sup>1</sup> Moreover, there is nothing in the record to support the challenge to service asserted by plaintiff. Given the inadequacy of the record, we are unable to say that the trial court committed legal error or was manifestly erroneous in its factual findings. Accordingly, we affirm the judgment of the trial court by summary disposition in accordance with Uniform Rules-Courts of Appeal, Rule 2-16.2A(6) and (8). Costs of this appeal are assessed to Martinez-Fowler, L.L.C.

**AFFIRMED.**

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<sup>1</sup> The appellant has the duty to secure either a transcript of the testimony or a narrative of facts; the inadequacy of the record is imputable to the appellant. **Carter v. Barber Brothers Contracting Co., Inc.**, 623 So.2d 8, 10 (La. App. 1 Cir.), writ denied, 629 So.2d 1180 (La. 1993).