

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2011 CA 0792

TONYA SANCHEZ, THOMAS F. SANCHEZ JR., AND HAZEL
SANCHEZ, AS GUARDIAN/TUTRIX AND CURATRIX OF TYLER
SANCHEZ

VERSUS

GARRETT M. BANQUER, JACOB F. SCHWEBEL, DANIEL
EDWARDS, SHERIFF OF TANGIPAOHA PARISH, AND THE CITY
OF HAMMOND

Judgment Rendered: December 21, 2011.

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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. 2010-003709

The Honorable W. Ray Chutz, Judge Presiding

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BEFORE: CARTER, C.J., PARRO AND HIGGINBOTHAM, JJ.

CARTER, C.J.

Plaintiffs/Appellants, Tonya Sanchez, Thomas F. Sanchez, Jr., and Hazel Sanchez on behalf of Tyler Sanchez, appeal the district court judgment sustaining the peremptory exception raising the objection of *res judicata* filed by Defendants/Appellees, Garrett M. Banquer, Jacob F. Schwebel, Tangipahoa Parish Sheriff Daniel Edwards, and the City of Hammond.

When a party raises an objection of *res judicata*, the court must examine not only the pleadings, but also the entire record in the first suit to determine whether the second suit is, in fact, barred by *res judicata*. *Union Planters Bank v. Commercial Capital Holding Corporation*, 04-0871 (La. App. 1 Cir. 3/24/05), 907 So. 2d 129, 130. It was incumbent on Defendants, as the parties pleading the objection of *res judicata*, to introduce the suit record into evidence at the district court juncture of the proceedings. *Union Planters Bank*, 907 So. 2d at 130. Because the Defendants failed to introduce the entire record from the first suit into evidence, the district court judgment sustaining the peremptory exception raising the objection of *res judicata* must be reversed.

For the foregoing reasons, the judgment of the district court is reversed by summary disposition in accordance with Uniform Rules-Louisiana Courts of Appeal, Rule 2-16.2A(2). Appellees' motion to allow exhibits to be attached to their brief, which was referred to the panel of this court reviewing the merits of this appeal, is dismissed as moot. Costs of this appeal are assessed to the Defendants/Appellees, Garrett M. Banquer, Jacob F. Schwebel, Tangipahoa Parish Sheriff Daniel Edwards, and the City of Hammond.

MOTION DISMISSED; REVERSED AND REMANDED.