

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

ELIZABETH SCHROEDER

NO. 2025 CW 1218

VERSUS

ALAN SCHROEDER

JANUARY 22, 2026

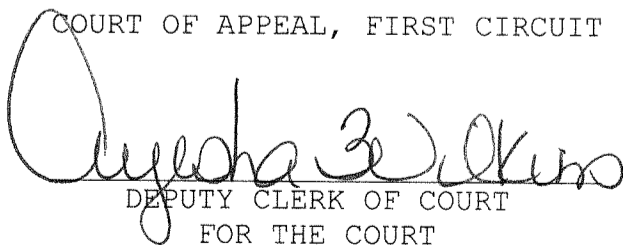
In Re: Elizabeth Leblanc Schroeder, applying for supervisory writs, Family Court in and for the Parish of East Baton Rouge, No. 224,653.

BEFORE: McCLENDON, C.J., GREENE AND STROMBERG, JJ.

WRIT GRANTED. The family court's October 22, 2025 judgment which declared the valuation dates for the community property interest in Orthopedic Surgery Center, LLC and The Bone and Joint Clinic of Baton Rouge, Inc. is vacated. A suit for a declaratory judgment is an ordinary action, not a summary proceeding. **City of Baton Rouge v. State, ex rel. Dep't of Soc. Servs.**, 2007-0005 (La. App. 1st Cir. 9/14/07), 970 So.2d 985, 995, citing **In re Melancon**, 2005-1702 (La. 7/10/06), 935 So.2d 661, 665-66. A rule to show cause is not the proper procedural vehicle to request declaratory relief. The proper procedural vehicle is an ordinary proceeding. **Girod Titling Tr. v. Hermes Health All.**, 2024-0201 (La. App. 4th Cir. 7/1/24), 401 So.3d 716, 720-21. A partial judgment within this otherwise contested proceeding did not terminate the uncertainty or controversy giving rise to the proceeding, and declaratory judgment should not be used to merely try issues in a pending case. See **Ehlenberger v. Guardian Med. Grp., LLC**, 2019-446 (La. App. 5th Cir. 5/29/20), 298 So.3d 375, 378, citing **Tyler v. Grantham**, 26,678 (La. App. 2d Cir. 7/21/94), 641 So.2d 632, 633.

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