

JEROME MORGAN, ON	*	NO. 2026-CA-0666
BEHALF OF HIMSELF AND	*	COURT OF APPEAL
ALL OTHERS SIMILARLY	*	FOURTH CIRCUIT
SITUATED	*	STATE OF LOUISIANA
VERSUS		
BLAIR'S BAIL BONDS, INC.,		
BANKERS INSURANCE	*	
COMPANY, INC.	*	

APPEAL FROM
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 2019-08430, DIVISION “I-14”
Hon. Lori Jupiter, Judge

JUDGE SANDRA CABRINA JENKINS

(Court composed of Judge Sandra Cabrina Jenkins, Judge Dale N. Atkins, Judge Rachael D. Johnson)

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APPEAL TRANSFERRED TO THE LOUISIANA SUPREME COURT
OCTOBER 22, 2026

SCJ
DNA
RDJ

The record in this matter was received on September 16, 2026.¹ Appellants, Bankers Insurance Company, Inc. (“Bankers Insurance”) and Blair’s Bail Bonds, Inc. (“Blair’s Bail Bonds”) (collectively, “Appellants”), appeal the district court’s May 26, 2026 judgment that 1) denied Bankers Insurance’s motion for summary judgment, 2) granted appellee, Jerome Morgan’s (“Mr. Morgan”) motion for summary judgment and, 3) found Section (B)(1) of 2019 La. Acts, No. 54 (“Act 54”) to be unconstitutional. For the reasons that follow, we transfer the appeal to the Louisiana Supreme Court.

FACTUAL AND PROCEDURAL BACKGROUND

On August 12, 2019, Mr. Morgan filed a petition for class certification and declaratory judgment. Mr. Morgan alleged that he signed a contract with

¹ Appellants’ brief was due on October 12, 2026, and appellee’s brief was due on November 2, 2026. Appellants moved for an extension of time to file their appellate brief and this Court granted an extension of time until October 27, 2026. Thereafter, appellee moved for an extension of time to file brief, and this Court granted the motion, ordering that appellee’s brief is due on December 16, 2026. As of this opinion, briefing deadlines remain open.

Appellants in 2014 that required him to pay a thirteen percent premium to purchase a bail bond, which was one percent more than state law authorized. Mr. Morgan further alleged that in February 2019, the Commissioner of Insurance issued a directive ordering all bail bond companies to and their insurance underwriters operating in Orleans Parish that had collected excess premiums to refund them by June 1, 2019. Mr. Morgan alleged that after the directive was issued, the Louisiana Legislature passed Act 54, which retroactively absolved the bail bond companies and insurance companies of any obligation to refund excess premiums. Mr. Morgan sought declaratory judgment that Section (B)(1) of Act 54 violates the due process clauses of the state and federal constitutions and Article III, § 12 of the Louisiana Constitution.

The parties filed cross motions for summary judgment. Mr. Morgan sought a declaration that Section (B)(1) of Act 54 is unconstitutional. Mr. Morgan asserted that the Louisiana Constitution prohibits the legislature from passing a special or local law granting any private corporation or association any special or exclusive right, privilege, or immunity. Mr. Morgan further argued that the Louisiana Constitution was violated when Appellants were granted a special exception from the Louisiana Insurance Code's requirements to charge consumers a twelve percent premium for all bail bonds. Additionally, Mr. Morgan argued that Section (B)(1) of Act 54 is an unconstitutional retroactive law because the legislature went back to the past to evaluate the conditions of the legality of La. R.S. 22:1443² and modified

² La. R.S. 22:1443 provides in relevant part:

or suppressed Mr. Morgan's and the putative class's right to refunds under the directive.

In its motion for summary judgment, Bankers Insurance sought dismissal of Mr. Morgan's claims, arguing that Mr. Morgan lacked standing to bring his constitutional claims. Bankers Insurance further argued that Mr. Morgan no longer has any claim in this matter by which he may obtain a refund or a declaration that he was overcharged for his bail bond premium. Thereafter, Blair's Bail Bonds filed a notice of adoption and joinder of Banker Insurance's motion for summary judgment.

The district court held a hearing on the cross motions for summary judgment on April 9, 2026. On May 26, 2026, the district court denied Bankers Insurance's motion for summary judgment, granted Mr. Morgan's motion for summary judgment and declared Section (B)(1) of Act 54 to be unconstitutional. Appellants moved for a suspensive appeal. This appeal follows.

A. The premium rate set for commercial surety underwriters writing criminal bail bonds in the various courts throughout the state of Louisiana shall not be subject to the rates set by the insurance commissioner, but shall be set and adjusted by the legislature. Except as provided in Subsection B of this Section, the rate for all commercial surety underwriters writing criminal bail bonds in the state of Louisiana shall be twelve percent of the face amount of the bond or one hundred twenty dollars, whichever is greater. Any additional fee authorized by R.S. 13:718(I)(2) shall not be included in this premium rate and shall be exclusive of the limit set by this Section. All other provisions of the code relating to enforcement of the rate shall be effective and enforced in accordance with all parts of this Section.

B. (1) In any parish having a population of more than three hundred thousand and fewer than four hundred thousand persons according to the latest federal decennial census, to the extent an additional one percent has been collected under color of the provisions of Act No. 350 of the 2005 Regular Session of the Legislature, no repayment of overcollections as determined by the commissioner shall be required nor shall such actions be considered a violation of R.S. 22:855 or this Section.

DISCUSSION

An appellate court has a duty to determine whether it has subject matter jurisdiction to entertain an appeal. *Ohle v. Uhalt*, 2023-0501, p. 4 (La. App. 4 Cir. 1/10/24), 381 So.3d 136, 139 (citing *Moulton v. Stewart Enters., Inc.*, 2017-0243, 2017-0244, p. 3 (La. App. 4 Cir. 8/3/17), 226 So.3d 569, 571). “The issue of subject matter jurisdiction may be raised at any time, even by the court on its own motion, and at any stage of an action.” *Jordan v. Chase Bank*, 2021-0533, p. 5 (La. App. 4 Cir. 5/25/22), 366 So. 3d 215, 219 (citation omitted). Appellants raised the issue of jurisdiction by filing a motion to transfer this appeal to the Louisiana Supreme Court.

Pursuant to Article V, § 5(D) of the Louisiana Constitution, a case shall be appealable to the Louisiana Supreme Court when “a law or ordinance has been declared unconstitutional.” In light of the district court’s May 26, 2026 judgment declaring Section (B)(1) of Act 54 as unconstitutional, the Louisiana Supreme Court has exclusive appellate jurisdiction over this appeal. As such, this Court has no jurisdiction to consider the appeal.

Louisiana Code of Civil Procedure article 2162 provides that “[i]f an appeal is taken to an appellate court which has no jurisdiction over it, the court may transfer the appeal to the proper court, upon such terms and conditions as it may prescribe. If an appeal is transferred to the supreme court in error, the supreme court may transfer or retransfer it to the proper court.” Further, La. R.S. 13:4441 provides in pertinent part, “[w]hen an appeal is taken and perfected to an appellate

court having no jurisdiction thereof, the court to which it is taken may transfer it to the court having jurisdiction thereof, instead of dismissing the appeal.”

DECREE

IT IS HEREBY ORDERED that this appeal be transferred to the Louisiana Supreme Court.

APPEAL TRANSFERRED TO THE LOUISIANA SUPREME COURT