

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

NO. 2013 CW 0044

EMPLOYEES' RETIREMENT
SYSTEM OF THE CITY OF BATON
ROUGE AND PARISH OF EAST
BATON ROUGE

VERSUS

RANDY P. ZINNA D/B/A LAW
OFFICES OF RANDY P. ZINNA,
AND CONTINENTAL CASUALTY
COMPANY

MARCH 27, 2013

In Re: Continental Casualty Company, applying for
supervisory writs, 19th Judicial District Court,
Parish of East Baton Rouge, No. 592778.

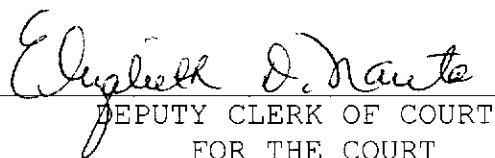
BEFORE: PARRO, McDONALD AND DRAKE, JJ.

WRIT GRANTED. Concluding that the trial court erred in overruling Continental Casualty Company's peremptory Exception of Peremption filed on its behalf and on behalf of its insured, Randy P. Zinna, we reverse the judgment of the trial court. We maintain Continental Casualty Company's Exception of Peremption. Pursuant to La. C.C.P. art. 934, however, we order the Employees' Retirement System of the City of Baton Rouge and Parish of East Baton Rouge to amend its petition within thirty days of this order to state a cause of action that has not perempted or prescribed, if it can. On failure to comply with this order, the trial court is directed to dismiss with prejudice the petition of the Employees' Retirement System of the City of Baton Rouge and Parish of East Baton Rouge against Continental Casualty Company and Randy P. Zinna.

RHP
EGD

McDonald, J., concurs.

COURT OF APPEAL, FIRST CIRCUIT


DEPUTY CLERK OF COURT
FOR THE COURT