

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

JOEL G. PORTER

NO. 2018 CW 0908

VERSUS

PEOPLE MAGAZINE TIME, INC., TIME INC BOOKS
D/B/A/ PEOPLE MAGAZINE AND ANNE LANG AND
STEVE HELLING (IN THEIR INDIVIDUAL AND
OFFICIAL CAPACITIES WITH PEOPLE MAGAZINE
AND TIME INC. BOOKS AND TIME, INC.)

OCT 15 2018

In Re: Time Inc. and Steve Helling, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 644603.

BEFORE: PETTIGREW, McCLENDON, AND HIGGINBOTHAM, JJ.

WRIT NOT CONSIDERED. The writ application fails to comply with Rule 4-5(C)(8) of the Uniform Rules of Louisiana Courts of Appeal. Relators, Time Inc. and Steve Helling, did not include a copy of all of the evidence provided to the district court. In order for this court to conduct a de novo review of the district court's ruling, it must be presented with all the pleadings, including exhibits, on which the judgment was founded.


Supplementation of this writ application and/or an application for rehearing will not be considered. Uniform Rules of Louisiana Courts of Appeal, Rules 2-18.7 & 4-9.

In the event Relators seek to file a new application with this court, it must contain all pertinent documentation, including supporting and opposing affidavits, and must comply with Rule 2-12.2 of the Uniform Rules of Louisiana Courts of Appeal. Any new application must be filed on or before November 19, 2018, and must contain a copy of this ruling.

JTP
TMH

McClendon, J., dissents and would vacate the district court's June 25, 2018, judgment denying the Defendants, Time Inc. and Steve Helling's, Special Motion to Strike. Louisiana Code of Civil Procedure article 971 gives the defendant 90 days from service of the petition to file a special motion to strike. The court, in its discretion, may allow a special motion to strike to be filed beyond those 90 days. La. Code Civ. P. art. 971. In light of the timely filing of their Special Motion to Strike while this matter was pending in federal court, I find the district court abused its discretion by not allowing Time Inc. and Steve Helling to file their Special Motion to Strike outside of the 90-day time limit provided by La. Code Civ. P. art. 971. Therefore, this matter should be remanded to the district court for consideration of the merits of Time Inc. and Steve Helling's Special Motion to Strike.

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DEPUTY CLERK OF COURT
FOR THE COURT