

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

MY INVESTMENTS, LLC

NO. 2021 CW 1000

VERSUS

LIBERTY SURPLUS INSURANCE  
CORPORATION

**OCTOBER 18, 2021**

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In Re: Liberty Surplus Insurance Corporation, applying for supervisory writs, 21st Judicial District Court, Parish of Tangipahoa, No. 20201799.

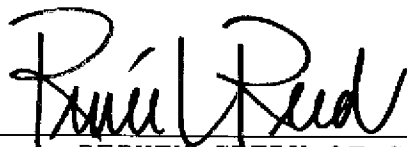
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**BEFORE: LANIER, WOLFE, AND BURRIS,<sup>1</sup> JJ.**

**WRIT GRANTED IN PART AND DENIED IN PART.** The portion of the district court's August 4, 2021 judgment denying the peremptory exception of prescription filed by the defendant, Liberty Surplus Insurance Corporation, as to damages alleged to be covered by the policy, including structural damages and business personal property as alleged in the petition, is reversed. The plaintiff, My Investments, LLC, failed to file suit within two years of the alleged loss pursuant to the insurance policy at issue, which provides that no one may bring legal action unless "[t]he action is brought within 2 years after the date on which the direct physical loss or damage occurred." See also La. R.S. 22:868(B). Further, the plaintiff failed to file suit within the limited extension of the prescriptive period set forth in La. R.S. 9:5829, which provides that the "right to file a pleading or motion to enforce any right, claim, or action which would have expired during the time period of March 17, 2020, through July 5, 2020, shall expire on July 6, 2020." Thus, the exception of prescription is granted, in part, and plaintiff's claim for damages alleged to be covered by the policy, including structural damages and business personal property as alleged in the petition, is prescribed, and that claim is dismissed. However, the writ application is denied as to plaintiff's bad faith claims. First-party bad-faith claims arise as a result of the insured's contractual relationship, thus, they are subject to a 10-year prescriptive period under La. Civ. Code art. 3499. **Smith v. Citadel Insurance Company**, 2019-00052 (La. 10/22/19), 285 So.3d 1062, 1064.

**WIL**  
**EW**  
**WJB**

COURT OF APPEAL, FIRST CIRCUIT



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DEPUTY CLERK OF COURT  
FOR THE COURT

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<sup>1</sup> Judge William J. Burris, retired, serving *pro tempore* by special appointment of the Louisiana Supreme Court.