

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

DIANE WILLIAMS-BECKWITH

NO. 2021 CW 1021

VERSUS

LARRY DONNELL BECKWITH

NOVEMBER 29, 2021

In Re: Larry Donnell Beckwith, applying for supervisory writs, Family Court in and for the Parish of East Baton Rouge, No. 217328.

BEFORE: GUIDRY, HOLDRIDGE, AND CHUTZ, JJ.

STAY DENIED; WRIT DENIED.

JMG

Holdridge, J., concurs in part and dissents in part. I agree that the district court did not abuse its discretion in denying the "Rule to Show Cause Why Petitioner's Sworn Detailed Descriptive List Should Not be Deemed to Constitute a Judicial Determination" filed by Defendant, Larry Donnell Beckwith. However, I would remand this matter to the district court with instructions to consider whether Mr. Beckwith should be awarded attorney fees and costs in accordance with La. R.S. 9:2801(C) in light of the fact that he was required to file a motion prior to Ms. Williams-Beckwith filing her detailed descriptive list.

Chutz, J., dissents. I would reverse the district court's judgment denying Mr. Beckwith's rule to show cause. Following service of Mr. Beckwith's rule to show cause, Ms. Williams-Beckwith did not file her own detailed descriptive list until nearly 130 days after being served with the petition, which is well beyond the 45-day period that La. R.S. 9:2801 provides for a response. I further find that Ms. Williams-Beckwith failed to establish good cause for her failure to timely submit her detailed descriptive list. Accordingly, I would grant Mr. Beckwith's rule to show cause and deem his detailed descriptive list a judicial determination of the community assets and liabilities.

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