

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

DIGITECH COMPUTERS, INC.

NO. 2021 CW 1216

VERSUS

CITY OF BATON ROUGE AND
PARISH OF EAST BATON ROUGE

OCTOBER 20, 2021

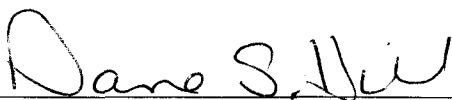
In Re: City of Baton Rouge, Parish of East Baton Rouge,
applying for supervisory writs, 19th Judicial District
Court, Parish of East Baton Rouge, No. 657701.

BEFORE: McCLENDON, WELCH, AND THERIOT, JJ.

STAY DENIED; WRIT GRANTED WITH ORDER. We find that the district court erred in ruling that the motion for summary judgment filed by relator, City of Baton Rouge, Parish of East Baton Rouge, was not timely. The motion for summary judgment and supporting documents were electronically received by the district court and emailed to counsel for plaintiff on August 20, 2021, which was sixty-six days prior to the trial that is scheduled to begin on October 25, 2021. Service of the motion and supporting documents by transmitting a copy by electronic means to the adverse party's counsel of record not less than sixty-five days prior to the trial is proper and valid. See La. Code Civ. P. arts. 966(B)(1) and 1313(A)(4). Further, the notice of hearing was served by the Sheriff in accordance with La. Code Civ. P. art. 966(C)(1)(b) not less than thirty days prior to the scheduled hearing. Therefore, the September 29, 2021 judgment denying relator's motion for summary judgment as untimely is vacated. The matter is remanded to the district court for a contradictory hearing to consider and rule on the merits of relator's motion for summary judgment in accordance with La. Code Civ. P. art. 966(C)(1) and (3).

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COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT