

VERNON J. TATUM, JR.

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NO. 2001-CA-1072

VERSUS

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COURT OF APPEAL

**THE ORLEANS PARISH
SCHOOL BOARD**

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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TOBIAS, J. CONCURS

I respectfully concur in order to assign additional reasons.

In his third assigned error, Mr. Tatum complains that he was denied due process because the judgment on his motion to compel was signed on 14 September 2000, mailed on 19 September 2000, and received by him on 20 September 2000, thus shortening the time period in which to file his motion for reconsideration. To the contrary, the clerk was required to send Mr. Tatum a notice of the interlocutory judgment signed on 14 September 2000 arising out of the 8 September 2000 hearing. La. C.C.P. art. 1914. Accordingly, any time delay for a new trial, assuming a motion for new trial was permitted, commenced to run from the date that the notice of judgment was mailed, not the date of the judgment. See, Carter v. Rhea, 01-0234 (La. App. 4 Cir. 4/25/01), 785 So.2d 1022.

Further, Mr. Tatum complains of the trial court's failure to give him written reasons for judgment without his filing a request for them. The trial court, however, gave him written reasons once requested, although as a matter of law I do not find that it was required to do so. La. C.C.P. art. 1917 requires written reasons for judgment in "appealable" cases. I understand the provision requires written reasons for judgment only when the judgment is appealable. No appeal lies from an interlocutory judgment relating to a motion to compel or any judgment rendered on an application for reconsideration relating thereto. (Nevertheless, a reviewing court welcomes a trial court's written reasons for an interlocutory judgment.)