

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

PATRICK W. PENDLEY, ET AL

NO. 2012 CW 1997

VERSUS

JACK V. MATSON AND MATSON &
ASSOCIATES, LLC

FEB 13 2013

In Re: Jack V. Matson and Matson & Associates, LLC,
applying for supervisory writs, 19th Judicial
District Court, Parish of East Baton Rouge, No.
554,435.

BEFORE: GUIDRY, CRAIN, AND THERIOT, JJ.

WRIT GRANTED. The trial court's judgment signed October 16, 2012, granting the exception of prescription and dismissing the amended reconventional demand filed by Jack V. Matson and Matson & Associates, LLC, is hereby **REVERSED**. The original petition and original reconventional demand set forth sufficient facts to apprise the plaintiffs that defendant is seeking a claim under an open account. See La. Code Civ. P. art. 854. Accordingly, the amended reconventional demand specifying the statute for claims under an open account is not prescribed. The exception of prescription is hereby denied and the amended reconventional demand is hereby reinstated.

**MRT
JMG
WJC**

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DEPUTY CLERK OF COURT
FOR THE COURT