

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

RALPH D. STOUTE

NO. 2013 CW 0868

VERSUS

A. W. CHESTERTON COMPANY,
ET AL.

MAY 29, 2013

In Re: John Crane, Inc., applying for supervisory writs,
18th Judicial District Court, Parish of
Iberville, No. 71,751.

BEFORE: GUIDRY, CRAIN, AND THERIOT, JJ.

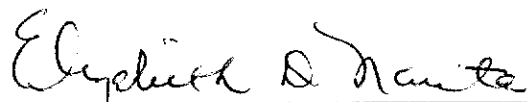
STAY DENIED. WRIT DENIED. We decline to exercise supervisory jurisdiction.

JMG
WJC

Crain, J., additionally writes separately to state that this writ appears to be frivolous. Relator was sued on July 3, 2012, and answered the suit on August 22, 2012. Relator did not file the declinatory exception of venue at that time, and the case proceeded toward a trial. The subject exception was filed in connection with relator's answer to a supplemental and amending petition that only added an additional defendant. The trial court allowed relator to be heard on the exception on May 13, 2013, and it was denied. Relator requested and was granted thirty days to file a writ, with relator responding that if filed, it would be done by that evening. The trial commenced on May 14, 2013. Ten days later, on Friday, May 24, 2013, at 4:20 p.m., relator filed its writ application with this court requesting a ruling as soon as possible, but no later than "May 29, 2013, when the trial is scheduled to conclude." I believe the writ is frivolous, and appears to me to be an abuse of process. No plausible reason is presented as to why this court should consider the writ as an emergency writ, and on an expedited basis, when relator not only failed to raise the issue when it answered the suit, but waited until the trial proceeded for nine days before seeking supervisory review. I would order relator to show cause why it should not be held in contempt. See La. Code Civ. P. art. 225.

Theriot, J., concurs and would deny the writ on the showing made.

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DEPUTY CLERK OF COURT
FOR THE COURT