

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

KRISTIAN JOHNSON AND TAMIKA
STEWART, ON BEHALF OF THE
MINOR, TERRIEL STEWART

NO. 2013 CW 2077

VERSUS

SHANE BOREN AND AMERICA
FIRST INSURANCE COMPANY

DECEMBER 6, 2013

In Re: Kristian Johnson and Terriel Stewart, applying for
supervisory writs, 19th Judicial District Court,
Parish of East Baton Rouge, No. 595,312.

BEFORE: PARRO, GUIDRY, McDONALD, WELCH AND DRAKE, JJ.

WRIT GRANTED. Based on Acts 2013, No. 391, § 1, effective August 1, 2013, which amended La. Code Civ. P. art. 1732 to provide that a defendant is not entitled to a trial by jury if an individual petitioner stipulates or otherwise judicially admits sixty days or more prior to trial that the amount of the individual petitioner's cause of action does not exceed fifty thousand dollars exclusive of interest and costs, the district court erred in not giving effect to plaintiffs' September 19, 2013 stipulation, which was filed more than sixty days prior to the December 9, 2013 trial date. Accordingly, the district court's November 15, 2013 order granting defendants' request for a jury trial is reversed. We hereby remand the matter to the trial court for the resetting of this matter for a bench trial.

EGD
RHP
JEW

Guidry, J., dissents and would deny the writ.

McDonald, J., dissents and would deny the writ. I agree with the trial court's reasons.

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DEPUTY CLERK OF COURT
FOR THE COURT