

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

SHALONDA BUTLER, ON BEHALF  
OF HER MINOR CHILD,  
JAVON'TAE GRIFFIN

NO. 2014 CW 1097

VERSUS

PROGRESSIVE SECURITY  
INSURANCE COMPANY, COASTWIDE  
ELECTRIC, INC., AND RICKY  
BAUDOIN

**OCT 28 2014**

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In Re: Shalonda Butler, on behalf of her minor child,  
Javon'tae Griffin, applying for supervisory writs,  
16th Judicial District Court, Parish of St. Mary, No.  
125890.

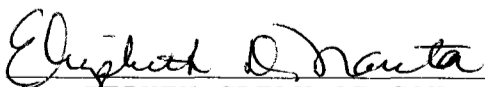
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**BEFORE: PARRO, McDONALD, AND CRAIN, JJ.**

**WRIT GRANTED WITH ORDER.** On June 27, 2014, relator filed a Motion for Leave to File First Supplemental and Amending Petition, seeking a jury trial, within ten days after the defendants failed to meet their deadline for depositing the costs of the jury with the trial court. Pursuant to La. Code Civ. P. art. 1733 (C), relator's request for a jury trial was timely filed. According to La. Code Civ. P. art. 5185 (A) (3), when an order of court permits a party to litigate without the payment of costs, as long as the order is not rescinded, the party is entitled to the right to a trial by jury, when allowed by law and applied for timely. Accordingly, the trial court's July 28, 2014 ruling denying relator's request for a jury trial is vacated and the matter is remanded. The trial court is instructed to determine if relator has met her necessary burden of proof to be granted the privilege of pauper status in this lawsuit. If so, and if the pauper status has not been rescinded, relator is entitled to a trial by jury. See **Barre v. Martin**, 499 So.2d 607 (La. App. 5th Cir. 1987), writ denied, 503 So.2d 14 (La. 1987).

**RHP  
JMM  
WJC**

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT  
FOR THE COURT