

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

M & R DRYWALL, INC.

NO. 2014 CW 1573

VERSUS

MAPP CONSTRUCTION, L.L.C.
SOUTHGATE TOWERS, L.L.C.
AND R.W. DAY AND
ASSOCIATES, INC.

CONSOLIDATED WITH

DECEMBER 9, 2014

SOUTHGATE RESIDENTIAL
TOWERS, LLC, SOUTHGATE
PENTHOUSES, LLC

VERSUS

MAPP CONSTRUCTION, INC.,
ET AL.

In Re: Great American Insurance Company, as excess insurer of MAPP Construction, Co., Ohio Casualty Insurance Company as excess insurer of PDI, Great American Insurance Company as excess insurer of Atlas Air Conditioning Co., and American Guarantee & Liability Insurance Company, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 529,351 c/w 550,534.

BEFORE: PARRO, McDONALD AND CRAIN, JJ.

WRIT GRANTED WITH ORDER. The trial court abused its discretion in denying the defendants' request for a continuance of the trial. The unique facts of this case establish good grounds for a continuance because the defendants have been denied an opportunity to timely conduct examinations and destructive and/or non-destructive testing on the Southgate buildings and their ability to conduct expert discovery has been seriously impeded as a result of events beyond their control. See La. C.C.P. art. 1601. Therefore, the trial court's September 26, 2014 judgment denying defendants' joint motion to strike is reversed and the defendants' request for a continuance of the trial originally scheduled to commence on January 12, 2015, is granted. The matter is remanded for further proceedings consistent with this action. To the extent the application seeks other relief, it is denied.

**RHP
JMM
WJC**

COURT OF APPEAL, FIRST CIRCUIT


DEPUTY CLERK OF COURT
FOR THE COURT