

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

SUSAN TOUPS

NO. 2015 CW 0224

VERSUS

REGINALD LOUQUE, DRAGON EYES  
PRODUCTION, LLC, DRAGON EYES  
2 PRODUCTION, LLC, EMPLOYERS  
FIRE INSURANCE COMPANY,  
HOLLYWOOD TRUCKS, LLC, and  
HARTFORD CASUALTY INSURANCE  
COMPANY

MARCH 31, 2015

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In Re: Reginald Louque, Dragon Eyes Production, LLC, Dragon  
Eyes 2 Production, LLC, Employers Fire Insurance  
Company and Hollywood Trucks, LLC, applying for  
supervisory writs, 19th Judicial District Court,  
Parish of East Baton Rouge, No. 607108.

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**BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, THERIOT,  
AND CHUTZ JJ.**

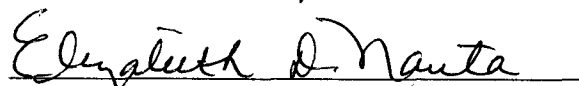
**WRIT GRANTED IN PART AND DENIED IN PART.** The February 2,  
2015 judgment denying the motion to set this matter for jury  
trial filed by defendants Reginald Louque, Dragon Eyes  
Production, LLC, Dragon Eyes 2 Production, LLC and Employers  
Fire Insurance Company is hereby reversed and judgment is  
entered in their favor, granting their motion for a trial by  
jury. See La. Code Civ. P. art. 1733; **Willeby v. JE Merit  
Constructors, Inc.**, 2004-2421 (La. App. 1st Cir. 6/10/05), 917  
So.2d 21. The writ is denied with respect to Hollywood Trucks,  
LLC, which was not a mover below and, therefore, is not a proper  
relator.

PMc  
TMH  
WRC

**Whipple, C.J.** dissents in part and concurs in part. I would  
deny the writ, finding the trial court did not abuse its  
discretion in denying relators' motion to set for jury trial.  
Relators failed to timely perfect their right to a jury trial by  
not filing a motion to set a jury bond and/or filing a jury bond  
within sixty days of the initial trial date and by failing to  
properly object to the setting of the matter for bench trial.  
See **Riddle v. Bickford**, 2000-2408 (La. 5/15/01), 785 So.2d  
795; **Guidroz v. State Farm Fire & Cas. Co.**, 10731 (La. App. 1st  
Cir. 5/24/76), 334 So.2d 535. I agree with the majority's  
denial of the writ with respect to Hollywood Trucks, LLC, which  
was not a mover below and, therefore, is not a proper relator.

**Theriot, J.** dissents and would deny the writ.

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT  
FOR THE COURT