

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

CALVIN J. HILL, INDIVIDUALLY
AND AS THE EXECUTOR OF THE
SUCCESSION OF ELNORA JOHNSON
HILL

NO. 2016 CW 1155

VERSUS

TMR EXPLORATION, INC., PARK
EXPLORATION, INC. AND VITOL
RESOURCES, INC.

DEC 01 2016

In Re: Vitol Resources, Inc. of Delaware and TMR Exploration,
Inc., applying for supervisory writs, 18th Judicial
District Court, Parish of West Baton Rouge, No. 41245.

BEFORE: HIGGINBOTHAM, THERIOT AND CHUTZ, JJ.

WRIT NOT CONSIDERED. As the parties filing the writ application, Applicants, TMR Exploration, Inc. and Vitol Resources of Delaware, Inc., bore the burden of establishing the timeliness of their writ application. Applicants have failed to provide this Court with the documentation necessary to satisfy that burden. Rule 4-3, Uniform Rules of Louisiana Courts of Appeal, provides that a writ application not filed in the appellate court within the time so fixed or extended shall not be considered, in the absence of a showing that the delay in filing was not due to the applicant's fault. According to the documentation Applicants provided this Court, the trial court initially gave Applicants until May 31, 2016 to file their writ application. This return date was extended by the trial court to June 30, 2016 after a timely request was made by Applicants, and the trial court may have even extended the return date until July 30, 2016. However, Applicants did not file their writ application with this Court until September 2, 2016 and have provided no evidence that the delay in filing was not due to their fault. Thus, this Court will not consider this writ application.

Furthermore, the writ application violated Rule 4-5(C)(8), Uniform Rules of Louisiana Courts of Appeal, in that Applicants failed to provide a copy of each pleading on which the ruling was founded, including the petitions, the applicable motion, and any oppositions and attachments thereto. In order for this Court to examine the trial court's ruling, it must be presented with the pleadings reviewed by the trial court.

Supplementation of this writ application and/or an application for rehearing will not be considered. Uniform Rules of Louisiana Courts of Appeal, Rules 4-9 and 2-18.7.

**TMH
MRT
WRC**

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DEPUTY CLERK OF COURT
FOR THE COURT