

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

PHOENIX COVINGTON  
ASSOCIATES, LLC

NO. 2018 CW 0574  
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VERSUS

VAUNNE BLOSSMAN HAND

**AUG 20 2018**

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In Re: Vaunne Blossman Hand, applying for supervisory writs,  
22nd Judicial District Court, Parish of St. Tammany,  
No. 2016-15300.

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

**WRIT NOT CONSIDERED.** Relator failed to provide documentation that the writ application was timely filed under Rules 4-2 and 4-3 of Uniform Rules of Louisiana Courts of Appeal, in accordance with the provisions of La. Code Civ. P. art. 1914(A) and (B). The writ application does not contain any information establishing that a judgment was ordered by the trial court or that a written request for judgment was filed within 10 days of the ruling in open court so as to make the notice of intent filed on March 19, 2018 timely. Relator also failed to comply with Rule 4-5(C)(10) of Uniform Rules of Louisiana Courts of Appeal as she did not include a copy of the pertinent court minutes.

Moreover, Rule 2-13 of the Uniform Rules of Louisiana Courts of Appeal regarding the timely filing of papers provides as follows:

All papers and required copies to be filed in a Court of Appeal shall be legible and shall be filed with the clerk. Filing maybe [sic] accomplished by delivery or by mail addressed to the clerk. The filing of such papers shall be deemed timely when the papers are mailed on or before the due date. If the papers are received by mail on the first legal day following the expiration of the delay, there shall be a rebuttable presumption that they were timely filed. In all cases where the presumption does not apply, the timeliness of the mailing shall be shown only by an official United States postmark or cancellation stamp or by official receipt or certificate from the United States Postal Service or bonafide commercial mail services such as Federal Express or United Parcel Service, made at the time of mailing which indicates the date thereof. Any other dated stamp, such as a private commercial mail meter stamp, shall not be used to establish timeliness.

Pursuant to the order of the trial court setting the return date, relator was to file her writ application on or before April 27, 2018, which was a Friday. The writ application was mailed, but not received by the clerk of this court until Tuesday, May 1, 2018. Because the writ application was not received on the next legal day following the due date, the presumption set forth in Rule 2-13 does not apply. While relator

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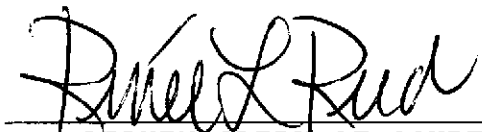
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submitted an affidavit to this court in an effort to establish that the writ application was, in fact, placed in the mail on April 27, 2018, there were no "official United States postmark[s] or cancellation stamp[s] or [an] official receipt or certificate from the United States Postal Service or bonafide commercial mail services such as Federal Express or United Parcel Service" establishing the date of mailing of the writ application. Uniform Rules of Louisiana Courts of Appeal, Rule 2-13. Therefore, this court will not consider the untimely writ application.

**PMc**  
**TMH**

**Whipple, C.J.**, concurs and would allow relator the opportunity to refile.

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DEPUTY CLERK OF COURT  
FOR THE COURT