

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

HALEY R. TAYLOR

NO. 2018 CW 1160

VERSUS

TATYANA HOLDEN, ET AL.

NOV 09 2018

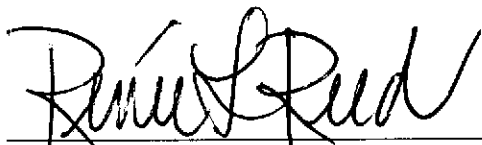
In Re: Haley R. Taylor, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 651067.

BEFORE: PETTIGREW, WELCH, AND CHUTZ, JJ.

WRIT GRANTED. The portion of the district court's August 9, 2018, judgment denying Plaintiff, Haley R. Taylor's, Motion for Continuance is reversed. The district court may grant a motion to continue for "good ground therefor." La. Code Civ. P. art. 1601. A continuance of trial is mandatory if, "at the time a case is to be tried, the party applying for the continuance shows that he has been unable, with the exercise of due diligence, to obtain evidence material to his case; or that a material witness has absented himself without the contrivance of the party applying for the continuance." La. Code Civ. P. art. 1602. If the plaintiff alleges sufficient reasons why additional evidence to oppose the summary judgment motion could not be produced, it is an abuse of discretion for the district court to deny the plaintiff's request for a continuance. **Welch v. East Baton Rouge Parish Metropolitan Council**, 2010-1532 (La. App. 1st Cir. 3/25/11), 64 So.3d 249, 254. Here, the district court denied Haley R. Taylor's Motion for Continuance despite an outstanding writ application at the Louisiana Supreme Court, a grant of which would allow Ms. Taylor to discover information related to her La. R.S. 22:1973 claims against her insurer, State Farm Mutual Automobile Insurance Company. These are sufficient facts per **Welch**. Therefore, the district court abused its discretion in denying Plaintiff, Haley R. Taylor's, Motion for Continuance, and it is hereby granted. Consequently, the portion of the district court's August 9, 2018 judgment granting State Farm Mutual Automobile Insurance Company's Motion for Partial Summary Judgment is vacated.

JTP
JEW
WRC

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT