

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

BOBBY GIROIR AND ELIZABETH  
GIROIR

NO. 2018 CW 1390

VERSUS

GREAT WEST CASUALTY COMPANY,  
4K TRUCKING, LLC, XXCELL  
FREIGHT SYSTEMS, INC., AND  
ANTHONY P. LANDRY

NOV 30 2018

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In Re: Bobby Giroir and Elizabeth Giroir, applying for  
supervisory writs, 19th Judicial District Court,  
Parish of East Baton Rouge, No. 646042.

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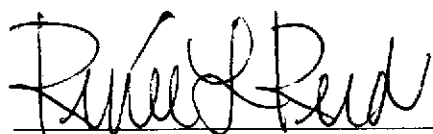
**BEFORE: McDONALD, CRAIN, AND HOLDRIDGE, JJ.**

**WRIT NOT CONSIDERED AS UNTIMELY.** An application for supervisory writs must be filed within thirty days of the notice of judgment as provided for in La. C.C.P. art. 1914. See Rule 4-3, Uniform Rules of Louisiana Courts of Appeal. Although the court can extend that delay upon a proper showing, a request for an extension must be filed within the applicable thirty-day delay. **Tower Credit, Inc. v. Bradley**, 2015-1164 (La. App. 1 Cir. 4/15/16), 194 So.3d 62, 65. An application not filed in the appellate court within thirty days from the date of notice, or within an extended return date period, shall not be considered, in the absence of a showing that the delay in filing was not due to the applicant's fault. Rule 4-3, Uniform Rules of Louisiana Courts of Appeal; **Tower Credit, Inc. v. Bradley**, 194 So.3d at 65. Here, notice of the trial court judgment was mailed on April 20, 2018. Following a notice of intent filed on August 28, 2018, the trial court set a return date of October 4, 2018. A trial court has no authority to grant a delay for filing an application for supervisory writs once the thirty-day period from the ruling at issue has expired. See **Watts v. Dornac**, 95-2285 (La. App. 1 Cir. 4/22/96), 681 So.2d 955; **Carter v. Rhea**, 2001-0234 (La. App. 4 Cir. 4/25/01), 785 So.2d 1022. Finding no indication that the belated filing was attributable to anything other than the fault of relators, we conclude this writ application is untimely under Rule 4-3, Uniform Rules of Louisiana Courts of Appeal.

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

WJC  
GH  
JMM

COURT OF APPEAL, FIRST CIRCUIT



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FOR THE COURT