

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

JOEL G. PORTER

NO. 2018 CW 1479

VERSUS

PEOPLE MAGAZINE TIME, INC.,
TIME INC BOOKS D/B/A PEOPLE
MAGAZINE AND ANNE LANG AND
STEVE HELLING (IN THEIR
INDIVIDUAL AND OFFICIAL
CAPACITIES WITH PEOPLE
MAGAZINE AND TIME INC. BOOKS
AND TIME, INC.)

NOV 13 2018

In Re: Time Inc. and Steve Helling, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 644,603.

BEFORE: PETTIGREW, WELCH, AND CHUTZ, JJ.

WRIT GRANTED WITH ORDER. The district court's June 25, 2018, judgment denying the Defendants, Time Inc. and Steve Helling's, Special Motion to Strike is vacated. Louisiana Code of Civil Procedure article 971 gives the defendant 90 days from service of the petition to file a special motion to strike. The court, in its discretion, may allow a special motion to strike to be filed beyond those 90 days. La. Code Civ. P. art. 971. The district court abused its discretion in finding that the Special Motion to Strike filed by Time Inc. and Steve Helling was untimely in light of the procedural issues with removal to federal court and remand to state court. Therefore, this matter is remanded to the district court for consideration of the merits of Time Inc. and Steve Helling's Special Motion to Strike.

**WRC
JTP
JEW**

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DEPUTY CLERK OF COURT
FOR THE COURT