

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

CHARLES NATHANIEL THOMAS,
JR.

NO. 2019 CW 0720

VERSUS

BLAKE SANDERS, LOGAN
SANDERS, AND WAFFLE HOUSE,
INC.

AUG 05 2019

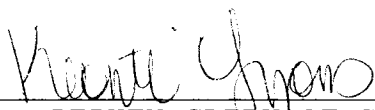
In Re: Waffle House, Inc., applying for supervisory writs,
21st Judicial District Court, Parish of Tangipahoa,
No. 2017-02046.

BEFORE: McDONALD, THERIOT, AND CHUTZ, JJ.

WRIT NOT CONSIDERED. This writ application is untimely. Rule 4-3 of the Uniform Rules, Louisiana Courts of Appeal, provides that the return date in civil cases shall not exceed 30 days from the date of notice as provided in La. Code Civ. P. art. 1914. Rule 4-2 provides that the notice of intent, which requests a return date, must be filed within the time period provided for in Rule 4-3. Pursuant to La. Code Civ. P. art. 1914(A), the rendition of an interlocutory judgment in open court constitutes notice to all parties. Article 1914(B) provides that interlocutory judgments must be reduced to writing if the court so orders, if a party requests the judgment to be reduced to writing within ten days of the rendition in open court, or if the court takes the matter under advisement. In this case, the trial court rendered its judgment in open court on March 18, 2019, and according to the partial transcript provided, the court did not order the judgment reduced to writing. Accordingly, the time delay began to run on that date and expired on April 17, 2019, prior to the filing of the notice of intent by relator.

JMM
MRT
WRC

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT