

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

JOHN MEKARI

NO. 2019 CW 0982

VERSUS

MARRERO, COUVILLON &
ASSOCIATES, LLC

OCT 29 2019

In Re: Marrero Couvillon & Associates, LLC, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 634356.

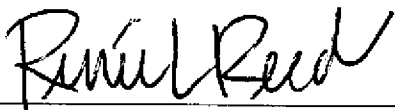
BEFORE: GUIDRY, McCLENDON, WELCH, HIGGINBOTHAM AND HOLDRIDGE, JJ.

WRIT GRANTED. Louisiana Code of Civil Procedure article 561A(1) provides that “[a]n action ... is abandoned when the parties fail to take any step in its prosecution or defense in the trial court for a period of three years.” The step must be taken in the proceeding and, with the exception of formal discovery, must appear in the record of the suit. See **Clark v. State Farm Mut. Auto. Ins. Co.**, 2000-3010 (La. 5/15/01), 785 So.2d 779, 784. The defendant, Marrero Couvillon & Associates, LLC, filed its “Answer, Defenses, and Reconventional Demand” on January 15, 2015, which was served on the plaintiff, John Mekari, on January 26, 2015. Thereafter, nothing appears in the suit record for a period of more than three years. Moreover, neither party asserts that formal discovery occurred within this three-year period. As such, the action was abandoned as a matter of law on January 26, 2018. Accordingly, we grant the writ application, reverse the trial court’s January 31, 2019 judgment, and dismiss John Mekari’s action on grounds of abandonment.

JMG
PMc
JEW

Higginbotham and Holdridge, JJ., would order additional briefing.

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DEPUTY CLERK OF COURT
FOR THE COURT