

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

LADONNA ALLEN WIFE OF/AND
GARY ALLEN

NO. 2019 CW 1008

VERSUS

SOUTHWEST BUILDERS, L.L.C.
AND WARREN VOLLENWEIDER

OCT 28 2019

In Re: State Farm Fire and Casualty Company, applying for
supervisory writs, 22nd Judicial District Court,
Parish of St. Tammany, No. 201512812.

BEFORE: HIGGINBOTHAM, PENZATO, AND LANIER, JJ.

WRIT GRANTED. The trial court's July 22, 2019 judgment overruling the peremptory exception of prescription filed by relator, State Farm Fire and Casualty Company, is reversed. The amended petition of plaintiffs, Ladonna Allen wife of/and Gary Allen, in this matter did not constitute an interruption of prescription because they knew of the loss for a period exceeding two years and failed to file suit against relator within that two year period from the date of loss pursuant to the insurance policy, thus, this matter has prescribed. Therefore, the relator's peremptory exception of prescription is granted, and plaintiffs' claims against State Farm Fire and Casualty Company are dismissed.

TMH
AHP
WIL

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT