

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

TRISHLA PARAKH

NO. 2019 CW 1159

VERSUS

FOREMOST SIGNATURE INSURANCE
COMPANY AND KISS MY NAILS,
LLC

DEC 06 2019

In Re: Foremost Signature Insurance Company, applying for
supervisory writs, 19th Judicial District Court,
Parish of East Baton Rouge, No. 655534.

BEFORE: McCLENDON, WELCH, AND HOLDRIDGE, 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, and that, upon proper showing, the appellate court may extend the time for filing the application upon the filing of a motion for extension of return date by the applicant, filed within the original return date period. 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. The trial court denied the Motion for Summary Judgment filed by Foremost Signature Insurance Company ("Foremost") in open court on November 15, 2018 and requested a written judgment. A written judgment was filed on November 30, 2018 and signed on January 11, 2019. Notice of the signed judgment was mailed on January 24, 2019. Foremost fax filed a Notice of Intent to Apply for Supervisory Writs and Request for Return Date on February 22, 2019, requesting a return date of March 15, 2019. The trial court set a return date of March 15, 2019; however, the original writ application was not filed until March 18, 2019, and Foremost did not file its Motion for Extension of Time to File Writ Application for Supervisory Writs within the original return date period.

PMc
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