

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

JOHN R. ROUCHER

NO. 2019 CW 1583

VERSUS

ASBESTOS CORPORATION, LTD.,
ET AL.

FEB 18 2020

In Re: Zurich American Insurance Company as Successor by Merger to Maryland Casualty Company, applying for supervisory writs, 18th Judicial District Court, Parish of Iberville, No. 73475.

BEFORE: HIGGINBOTHAM, PENZATO, AND LANIER, JJ.

WRIT GRANTED WITH ORDER. The district court's October 29, 2019 judgment granting the plaintiffs' motion to strike the jury demand by the relator, Zurich American Insurance Company, as successor by merger to Maryland Casualty Company, is reversed. The right of a litigant to a jury trial is fundamental in character, and the courts will indulge every presumption against a waiver, loss, or forfeiture thereof. **Alkazin v. City of Baton Rouge**, 97-0738 (La. App. 1st Cir. 11/7/97), 705 So.2d 208, 211. The relator timely filed its demand for a jury trial in its answer to the plaintiffs' fifth supplemental and amending petition pursuant to La. Code Civ. P. art. 1733(C). This matter is remanded to the district court with instructions to grant a jury trial to Zurich American Insurance Company, as successor by merger to Maryland Casualty Company.

**TMB
AHP
WIL**

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT