

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

BLOOD RIVER LANDING, INC.

NO. 2020 CW 0893

VERSUS

WARSAW MARINA ON THE BLOOD,
LLC

OCTOBER 08, 2020

In Re: Warsaw Marina on the Blood, L.L.C., applying for supervisory writs, 21st Judicial District Court, Parish of Livingston, No. 159161.

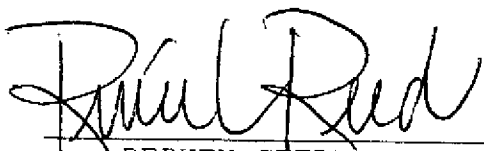
BEFORE: McCLENDON, WELCH, HIGGINBOTHAM, THERIOT, AND CHUTZ, JJ.

WRIT GRANTED. The district court's September 8, 2020 ruling that continued the hearing on the Motion for Summary Judgment filed by Defendant, Warsaw Marina on the Blood, LLC, and left the record open for Plaintiff, Blood River Landing, Inc., to file an opposition thereto is hereby reversed. A continuance may be granted in any case if there is good ground therefor. La. Code Civ. P. art. 1601. In the case of summary judgment, La. Code Civ. P. art. 967(C) permits the district court to order a continuance "[i]f it appears from the affidavits of a party opposing the motion that for reasons stated he cannot present by affidavit facts essential to justify his opposition." The district court abuses its discretion when it grants a continuance solely to allow counsel to comply with the filing deadlines in La. Code Civ. P. art. 966(B). See **Newsome v. Homer Memorial Medical Center**, 2010-0564 (La. 4/9/10), 32 So.3d 800 (per curiam). Under the facts of this case, we find the district court abused its discretion in granting the continuance. Accordingly, the oral motion to continue on behalf of Blood River Landing, Inc. is denied.

**JEW
TMH
MRT**

McClendon and Chutz, JJ., dissent. The criteria set forth in **Herlitz Construction Co., Inc. v. Hotel Investors of New Iberia, Inc.**, 396 So.2d 878 (La. 1981) (per curiam), are not met.

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DEPUTY CLERK OF COURT
FOR THE COURT