

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

CHELSEA MCGRAW

NO. 2020 CW 1097

VERSUS

SELLERS 3 LLC D/B/A RALPH
SELLERS CHRYSLER

DECEMBER 21, 2020

In Re: Ralph Sellers Motor Company, LLC, applying for
supervisory writs, 23rd Judicial District Court,
Parish of Ascension, No. 127299.

BEFORE: WHIPPLE, C.J., WELCH AND CHUTZ, JJ.

WRIT DENIED.

VGW
JEW

Chutz, J., concurs in part and dissents in part. I would grant the writ in part and reverse the portion of the trial court's September 23, 2020 judgment denying the exception of prescription filed by defendant, Ralph Sellers Motor Company, LLC's. Plaintiff's claim for negligent misrepresentation has prescribed on its face because according to the petition, the alleged misrepresentations occurred on August 27, 2016, and this suit was not filed until November 12, 2019. The allegations contained in the petition were insufficient to support plaintiff's assertion that *contra non valentem* suspended prescription as to this cause of action. Therefore, I would grant the exception of prescription and dismiss the plaintiff's cause of action for negligent misrepresentation, but would allow plaintiff the opportunity to amend her pleadings, if she can, to remove the grounds of the objection. See La. Code Civ. P. art. 934. I concur in the denial of the writ in all other respects.

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT