

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

JASON CHRISTOPHER SHAFFETTE

NO. 2021 CW 0713

VERSUS

CITY OF SLIDELL AND ST.
TAMMANY PARISH GOVERNMENT

OCTOBER 5, 2021

In Re: City of Slidell and St. Tammany Parish Government,
applying for supervisory writs, 22nd Judicial District
Court, Parish of St. Tammany, No. 201611791.

BEFORE: WHIPPLE, C.J., PENZATO AND HESTER, JJ.

STAY DENIED; WRIT GRANTED IN PART WITH ORDER; DENIED IN PART. The trial court's May 26, 2021 judgment granting plaintiff's, Jason Christopher Shaffette's, Motion for Leave to File Second Supplemental and Amending Petition and ordering plaintiff's Second Supplemental and Amending Petition filed into the record of the trial court proceedings, and the portion of the trial court's June 29, 2021 judgment granting plaintiff's Motion to Confirm November 13, 2019 Judgment, are reversed. The trial court signed a judgment on September 10, 2019 dismissing plaintiff's suit with prejudice. Therefore, the trial court lacked authority to subsequently allow the filing of a supplemental and amending petition. See Templet v. Johns, 417 So.2d 433, 434-35 (La. App. 1st Cir.), writ denied, 420 So.2d 981 (La. 1982); Reno v. Perkins Engines, Inc., 98-1686 (La. App. 1st Cir. 9/24/99), 754 So.2d 1032, 1033, writ denied, 99-3058 (La. 1/7/00), 752 So.2d 863. We also find the trial court was divested of jurisdiction to allow the filing of plaintiff's second supplemental and amending petition once the trial court signed an order granting plaintiff a devolutive appeal on October 21, 2020. See Jordan v. Willis-Knighton Med. Ctr., 40,564 (La. App. 2d Cir. 1/25/06), 920 So.2d 368. Accordingly, plaintiff's Motion for Leave to File Second Supplemental and Amending Petition and Motion to Confirm November 13, 2019 Judgment are denied. Furthermore, we find the trial court abused its discretion by granting plaintiff's request to continue the hearing on the Joint Motion to Dismiss Appeal filed by defendants, the City of Slidell and St. Tammany Parish Government, and therefore vacate the portion of the trial court's June 29, 2021 judgment granting the continuance. The trial court is ordered to promptly hold a hearing and rule on the motion to dismiss appeal, in accordance with La. Code Civ. P. art. 2126. In all other respects, the writ is denied.

VGW
AHP
CHH

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT