

**NOT DESIGNATED FOR PUBLICATION**

**NEW ORLEANS** \* **NO. 2003-CA-1406**  
**REDEVELOPMENT** \*  
**AUTHORITY** \* **COURT OF APPEAL**  
  
**VERSUS** \* **FOURTH CIRCUIT**  
  
**ELMER LUCAS, OR HIS** \* **STATE OF LOUISIANA**  
**SUCCESSION AND HEIRS, IF** \*  
**DECEASED** \*

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\* \* \* \* \*

APPEAL FROM  
CIVIL DISTRICT COURT, ORLEANS PARISH  
NO. 2001-19460, DIVISION "J-13"  
Honorable Nadine M. Ramsey, Judge

\* \* \* \* \*

**Judge Dennis R. Bagneris, Sr.**

\* \* \* \* \*

(Court composed of Judge Dennis R. Bagneris Sr., Judge Terri F. Love, and Judge David S. Gorbaty)

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## **AFFIRMED**

The plaintiff, New Orleans Redevelopment Authority (NORA), instituted proceedings to expropriate property located at 5019-21 La Salle Street originally owned by Elmer Lucas on the basis that the property had been declared blighted. The Trial Court granted judgment in favor of NORA on March 15, 2002. Notice of the signing of the judgment was mailed on April 8, 2002. Wesley Alden, who purchased the property at a tax sale, appealed the judgment. The Succession of Elmer Lucas, while not appealing the judgment, filed a brief in the matter arguing that the Trial Court's judgment was erroneous. This Court affirmed the Trial Court's judgment in an unpublished opinion on February 12, 2003. NORA v. Elmer Lucas, 2002-1546 (La. App. 4 Cir. 2/12/2003). While the appeal was pending, defendants, the Succession of Elmer Lucas, filed a motion for new trial on November 15, 2002. The Trial Court denied the motion for new trial on March 31, 2003. The defendant now appeals the denial of a motion for new trial.

Louisiana Code of Civil Procedure article 1974 provides that a motion for new trial shall be filed "seven days, exclusive of legal holidays. The

delay for applying for a new trial commences to run on the day after the clerk has mailed, or the sheriff has served, the notice of judgment as required by Article 1913.” In the present case, the defendant filed the motion for new trial seven months after the notice of the signing of the judgment. As the motion for new trial was untimely, the Trial Court correctly denied the motion.

**AFFIRMED.**