

**LESTER J. SANTELIZ-
GARCIA AND EDGAR F.
MARTINEZ-LOPEZ**

VERSUS

**VONTRELL T. LEE, STATE
FARM FIRE AND CASUALTY
COMPANY, RENIE RAMIREZ,
SR. AND UNITED NETWORK
INSURANCE & ASSOC. LLC
D/B/A ALL TITLES**

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NO. 2019-CA-0507

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COURT OF APPEAL

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FOURTH CIRCUIT

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STATE OF LOUISIANA

APPEAL FROM
CIVIL DISTRICT COURT, ORLEANS PARISH
NO. 2014-12310, DIVISION "L"
Honorable Kern A. Reese, Judge

Judge Roland L. Belsome

(Court composed of Judge Roland L. Belsome, Judge Regina Bartholomew-
Woods, Judge Dale N. Atkins)

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APPEAL DISMISSED

SEPTEMBER 18, 2019

This case arose out of an automobile accident that occurred on or about April 2, 2014. A petition for damages was filed on December 22, 2014. On February 26, 2016, summary judgment was granted in favor of State Farm Fire and Casualty Company, dismissing all claims with prejudice. The plaintiffs, Lester Santeliz-Garcia and Edgar Martinez-Lopez, filed a motion for appeal, which was granted.¹ Then, the Clerk for the Civil District Court issued a notice of appeal and estimated appeal costs to the plaintiffs on April 21, 2016. After the April 21, 2016 issuance of the estimated appeal costs, no further action was taken until the appeal costs were paid on April 23, 2019. Based on a three (3) year period of inactivity, State Farm Fire and Casualty Company filed a motion to dismiss appeal as abandoned.

Here, the plaintiffs perfected their appeal by filing a motion for devolutive appeal within sixty (60) days of the signing of judgment. La. C.C.P. arts. 2087-2088. The Code of Civil Procedure also provides that “[a]n appeal is abandoned

¹ Although the motion for appeal was taken on behalf of both plaintiffs, the filings in this Court only name Lester J. Santeliz-Garcia as an appellee.

when the parties fail to take any step in prosecution or disposition” for the period of time provided in the rules for the court of appeal. La. C.C.P. art. 2165. This Court’s local Rule 20, specifies that “when no activity occurs in an appeal for three years, the appeal shall be dismissed as abandoned.” Local Rules, Rule 20, Louisiana Court of Appeal, Fourth Circuit.

Given that this appeal was perfected on April 21, 2016, the plaintiffs had until April 21, 2019, to take a step in the furtherance of the appeal. However, April 21, 2019, was a Sunday, which is a legal holiday for the courts, thus in this case, the plaintiffs had until Monday, April 22, 2019, to proceed with the appeal. *See* La.C.C.P. art. 5059. The record is clear that no activity occurred until the payment of the estimated appeal costs on April 23, 2019. Accordingly, this appeal is dismissed as abandoned.

APPEAL DISMISSED