

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA  
COURT OF APPEAL, THIRD CIRCUIT**

**08-735**

**HUBERT ARVIE  
VERSUS  
CALVIN EUGENE WOODRUFF, JR., ET AL.**

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**APPEAL FROM THE  
FIFTEENTH JUDICIAL DISTRICT COURT  
PARISH OF VERMILION, NO. 64946B  
HONORABLE JULES DAVID EDWARDS, III, DISTRICT JUDGE**

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**BILLY H. EZELL  
JUDGE**

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Court composed of Michael B. Sullivan, Billy H. Ezell, and J. David Painter,  
Judges.

**MOTION TO REINSTATE APPEAL GRANTED.**

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EZELL, Judge.

The plaintiff-appellant, Hubert Arvie, has moved for rehearing, or alternatively, for reinstatement of his appeal which this court ordered dismissed on August 29, 2008, due to the appellant's failure to file an appellate brief. Finding that the appellant has shown good cause for the reinstatement of his appeal, we order the reinstatement and set the delay for the filing of the appellant's brief.

The due date for the filing of the appellant's brief in this appeal expired; therefore, this court sent a letter to the appellant informing him that if his brief were not filed by no later than August 21, 2008, his appeal would be dismissed. However, the district court sent this court a supplemental record in this appeal which this court filed on August 14.

On August 21, 2008, appellant mailed a request for an extension of time within which to file his appellate brief, citing the receipt of the supplemental record. The appeal in this matter was ordered dismissed on August 29, 2008.

Due to a clerical error, this appeal was ordered dismissed before this court considered the motion for extension of time to file the appellate brief. Had this court considered the motion for extension of the time for filing an appellate brief, this court would have ordered the extension be granted. Therefore, we find that in the interest of justice and for good cause shown, this appeal should be reinstated. We hereby order the appellant to file his appellate brief no later than November 17, 2008.

**MOTION TO REINSTATE APPEAL GRANTED.**

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION.  
Rule 2-16.3 Uniform Rules, Court of Appeal.